

**THE MUNICIPAL AUTHORITY OF  
THE TOWNSHIP OF COLLIER**

**RESOLUTION NO. 04-09-98-02**

**A RESOLUTION OF THE COLLIER TOWNSHIP MUNICIPAL AUTHORITY OF THE TOWNSHIP OF COLLIER, ALLEGHENY COUNTY, PENNSYLVANIA, ESTABLISHING THE REQUIREMENT FOR CERTIFICATION OF SANITARY SEWER STATUS PRIOR TO THE SALE OF PROPERTY WITHIN THE TOWNSHIP AND AS A CONDITION FOR THE ISSUANCE OF MUNICIPAL AUTHORITY LIEN LETTERS AND ESTABLISHING PROCEDURES FOR SECURING SANITARY SEWER CERTIFICATION AND MUNICIPAL AUTHORITY LIEN LETTERS.**

WHEREAS, the Pennsylvania Sewage Facilities Act as amended 35 P.S. §750, 1 et seq. requires that the Township of Collier or the Collier Township Municipal Authority to make, or cause to be made, such inspection and tests that may be necessary to carry out the provisions of said Act to eliminate storm water and surface water from entering into the sanitary sewer system operated by the Collier Township Municipal Authority; and

WHEREAS, the Collier Township Municipal Authority has determined that for the health, safety and welfare of the residents of the Township of Collier, it is necessary to implement a requirement of certification that there are no illegal storm water or surface water connections to the sanitary sewers prior to the sale of such real estate within the Township through the issuance of Municipal Authority Lien Letters; and

WHEREAS, the Collier Township Municipal Authority is desirous of eliminating storm and surface water from entering into the sanitary sewer system; and

WHEREAS, the Collier Township Municipal Authority is desirous of establishing certain fees and procedures for the issuance of Municipal Authority Lien Letters.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Collier Township Municipal Authority of the Township of Collier, in meeting assembled, and it is hereby ordained and enacted by and with the authority of the same as follows:

SECTION 1: Definitions.

- A. Person: Any person, association, partnership, firm, corporation, institution, agency, authority, or other entity recognized by law as the subject of rights and duties.
- B. Municipal Authority No-Lien Letter: A written letter from the Municipal Authority concerning municipal liens.
- C. Document of Certification: An official statement to the Municipal Authority stating that there are no illegal storm or surface water connections into the sanitary sewer connections on the property to be sold which violate Resolution No. 04-07-98-01.
- D. Temporary Documents of Certification: A temporary statement from the Municipal Authority issued pursuant to the terms of Section 4 of this Resolution.
- E. Illegal Storm or Surface Water Connections: The discharge of basement seepage or ground water or the connection of downspouts, roof drainage or surface drainage into the sanitary sewer system.
- F. Dye Test: Any commonly accepted method of testing wherein dye is introduced into the storm, surface or subsurface water collection system and downspouts of real property to determine if any illegal storm water or surface water is entering the sanitary sewer system.

G. Sanitary Sewer System: The sanitary sewer system within the Township of Collier operated by the Collier Township Municipal Authority or its successors in interest.

H. Municipal Authority: Collier Township Municipal Authority or its successors in interest.

SECTION 2. After the effective date of the Resolution, it shall be unlawful for any person to sell real property within the Township of Collier on which a building or improvement exists without first delivering to the purchaser a Document of Certification or a Temporary Document of Certification from the Municipal Authority.

SECTION 3. Document of Certification Application. Any person selling real property located within the Township of Collier shall make application on a form furnished by the Collier Township Municipal Authority at least fourteen (14) days before the date of sale. Upon application and deposit of the required fees, the Authority causes the necessary dye test and inspections to be performed and then 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, the Municipal Authority designee shall execute a Document of Certification. When an illegal storm or surface water connection is discovered by means of the above-mentioned dye testing, no Document of Certification will be executed until the illegal connections are removed and certification of such removal is verified by a subsequent inspection arranged by the Authority and at the cost of the applicant and written verification of the correction is received.

SECTION 4. Temporary Document of Certification. A Temporary Document of Certification may be issued at the Municipal Authority's sole discretion when either:

- A. Applicant proves that dye testing cannot be performed because of weather conditions. When such is the case, the Applicant shall provide the Municipal Authority with security in the amount of Five Hundred (\$500.00) Dollars to guarantee that the dye test will be performed. In addition, the Applicant shall provide a signed, written acknowledgment, in a form acceptable to the Authority, from the Purchaser, agreeing to correct, at Purchaser's sole expense, any violations that may be discovered as a result of subsequent dye tests. Nothing in this subsection shall prohibit any Purchaser from requiring 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 municipality's enforcement powers or excuse the Purchaser from performance nor affect the Authority's enforcement of this Resolution; or
- B. When an illegal storm or surface water connection is discovered and the necessary remedial activities to correct such connection would require a length of time such as to create a practical hardship for the Applicant, Applicant may apply to the Municipal Authority Manager for a Temporary Document of Certification which may only be issued when the Applicant provides the Authority with all of the following: (i) cash security in the amount of any estimated repair costs in a form acceptable to the Authority; and (ii) an agreement to the Purchaser in a form acceptable to the Authority to be responsible for all cost over-runs related to the remedial work. The Municipal Authority shall determine by regulation when such Temporary Document of Certification shall expire, at which time the security shall be forfeited.

SECTION 5. Upon satisfactorily meeting the conditions as set forth herein, where requested by a property owner or his agent, the Municipal Authority will issue a Document of

Certification on five (5) days notice and upon the payment of an expedition fee equal to those expedited costs charged to the Collier Township Municipal Authority by the dye testing company that will confirm the testing.

SECTION 6. Regulations. The Municipal Authority is hereby empowered to make reasonable rules and regulations for the operation and enforcement of this Resolution as it deems necessary which shall include, but not be limited to:

- A. Establishing acceptable forms of security or guarantees;
- B. Establishing the form of (i) application, (ii) Purchaser acknowledgments and (iii) plumber certification;
- C. Limiting the times of year in which Temporary Document of Certification is available for reasons of weather;
- D. Criteria for exemptions from this Resolution.

All rules and regulations issued pursuant to this Section shall be in writing and approved by the Municipal Authority and such approval shall be recorded in the minutes of the Authority.

SECTION 7. Adjustment of Fees. The Members of the Collier Township Municipal Authority may change from time to time the fees set forth in this Resolution by Resolution of the Members of the Municipal Authority.

SECTION 8. Conflict with General Police Powers. Nothing in this Resolution shall limit in any fashion whatsoever the Authority's right to enforce its rules and regulations and other Resolutions or the laws of the Commonwealth. Nothing in this Resolution shall be a defense to any

citation issued by the Municipal Authority or the Commonwealth pursuant to any other law or Resolution.

SECTION 9. Penalties. Any person who shall fail, neglect or refuse to comply with any terms or provisions of this Resolution 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 (\$500.00) Dollars. Should the Authority seek to enforce this Resolution by litigation in the Court of Common Pleas because of the refusal or failure of a property owner to correct and eliminate a discovered unlawful or illegal sewer connection, the property owner shall be responsible for all legal fees and court costs incurred by the Authority to enforce this Resolution.

SECTION 10. Severability. It is the express intent of the Collier Township Municipal Authority of the Township of Collier that the provisions of this Resolution are severable and if any section, sentence, clause or phrase shall be held to be illegal, invalid or unconstitutional, the remaining portions of this Resolution shall not be affected or impaired thereby.

SECTION 11. This Resolution shall not preclude the Collier Township Municipal Authority from performing area dye testing/smoke testing programs or other inspections of the "private systems" for the purpose of locating defective piping which would allow surface or ground water to enter the system. The Municipal Authority will do so at its own expense.

SECTION 12. This Resolution is effective June 1, 1998.

ORDAINED AND ENACTED, this 9th day of April, 1998.

ATTEST:

COLLIER TOWNSHIP MUNICIPAL  
AUTHORITY

*William S. Hoafuy* Secretary  
Secretary

*Richard J. Chubb* Chairman  
Chairman