

ELLPORT BOROUGH - LAWRENCE COUNTY
SEWER AUTHORITY 313 BURNS AVE. ELLWOOD CITY, PA. 16117
Telephone 724-752-1422 Fax 724-752-9430

APPLICATION FOR - SMOKE - DYE TESTING - AND HOME INSPECTION

Current property owner and Address

Address to Test / Inspect

Phone: _____

Phone _____

Date of Sale, Transfer, Assignment, Mortgaging or Refinancing Mo. _____ Date _____ Year _____

Proof of Compliance (check if YES) _____

The Real Estate has a current "Document of Certification" (attached). This Document of Certification is sufficient for up to One (1) year from the date of Issuance.

Realtor Name / Address

Phone _____

This form MUST be received by the Borough of Ellport at least 14 days before the date of sale or transfer.

Send to Ellport Borough Sewer Authority
313 Burns Ave.
Ellwood City Pa. 16117

PLEASE NOTE - The No Lien Letter and Visual Inspection Fee of \$50.00 for the property connected to the Sewer System is NON-REFUNDABLE

This Letter is in accordance with and pertains to ordinance number 246

ORDINANCE No. 246

AN ORDINANCE OF ELLPORT, LAWRENCE COUNTY, PENNSYLVANIA, ESTABLISHING A REQUIREMENT FOR CERTIFICATION OF SANITARY SEWER STATUS AND ON-LOT SEWER STATUS PRIOR TO THE SALE OF REAL ESTATE WITHIN THE BOROUGH OF ELLPORT AS A CONDITION FOR THE ISSUANCE OF MUNICIPAL LIEN LETTERS AND PROPERTY TAX VERIFICATION LETTERS.

WHEREAS, the Borough of Ellport is desirous of eliminating storm and surface waters from entering into the sanitary sewer system; and

WHEREAS, the Borough of Ellport is desirous of determining the existence of malfunctioning on-lot septic systems which should be repaired at or immediately following the time of sale; and

WHEREAS, the Borough of Ellport is desirous of establishing certain procedures for the issuance of municipal lien and property tax certifications.

NOW, THEREFORE BE IT ORDAINED, by the Council of the Borough of Ellport, Lawrence County, Pennsylvania:

Section I. GENERAL: After the effective date of this Ordinance, it shall be unlawful for any person to sell real estate within the sewage service area of the Borough of Ellport of which a building or improvement exists, without first delivering unto the purchaser a Document of Certification or Temporary Document of Certification from the proper officers of the Borough of Ellport.

Section II. DEFINITIONS:

Person: Any person, syndicate, associate, partnership, firm, corporation, institution, agency, Authority, or any entity recognized by law as the subject of rights and duties.

Municipal Lien and Property Tax Verification Letter: A written letter from the proper official of the Borough of Ellport concerning municipal liens and property taxes.

Document of Certification: An official statement from the proper officer of the Borough of Ellport stating that there are no known illegal storm or surface water connections into the sanitary sewer on the specific property which is being sold.

Temporary Document of Certification: A temporary statement of certification from the proper officer of the Borough of Ellport, issued pursuant to the terms of Section IV of this Ordinance.

Illegal Storm or Surface Water Connections: Includes, but is not limited to, the discharge of down spouts, roof drainage, surface areaway drainage, or foundation or basement drainage into the sanitary sewer system.

Borough of Ellport, page 2.

Section III. DOCUMENT OF CERTIFICATION APPLICATION. Any person selling real estate located within the Borough of Ellport (hereinafter "APPLICANT") shall make application on a form furnished by the Borough of Ellport at least fourteen (14) days before the date of sale. The APPLICANT shall then permit a representative of the Ellport Wastewater Treatment Plant or the Borough appointed state certified Sewage Enforcement Officer to perform a dye test, smoke test or air test of the sewer drainage system on the property to be sold, said smoke test to involve the use of nontoxic, non-staining smoke, which is forced through the sewer system by the use of air blowers or other visual inspections as may be necessary. The Ellport Wastewater Treatment Plant Operator or his designate or in the event of an on-lot septic system, the state certified Sewage Enforcement Officer shall also have the right to rely on the results of any internal televising of the main sewer completed by the Ellport Wastewater Treatment Plant or its contractor. The Ellport Wastewater Treatment Plant Operator or his designate or in the event of an on-lot septic system, the state certified Sewage Enforcement Officer shall complete the appropriate portions on the form and certify that the property has been dye tested, smoke tested or air tested and certify the results of such test. When an on-lot septic system is involved, such certification will be provided by the state certified Sewage Enforcement Officer. In the event that there are no illegal storm or surface water connections and the existing drainage system is found, the Ellport Wastewater Treatment Plant Operator or his designate or in the event of an on-lot septic system, the state certified Sewage Enforcement Officer shall issue a Document of Certification. When an illegal storm or surface water connection or malfunctioning drainage system or malfunctioning on-lot septic system is discovered by the means of the above-mentioned testing, no Document of Certification will be issued until the illegal connections/malfunctioning drainage system are removed/repared, the system retested and certified satisfactory by the Ellport Wastewater Treatment Plant Operator or his designate or in the event of an on-lot septic system, the state certified Sewage Enforcement Officer. There shall be a charge of fifty (\$50) dollars for this testing subject to change by Motion of the Ellport Borough Council

Section IV - TEMPORARY DOCUMENT OF CERTIFICATION. A Temporary Document of Certification may be issued at the sole discretion of the Ellport Wastewater Treatment Plant Operator or his designate or the state certified Sewage Enforcement Officer when either:

- A. The APPLICANT proves that such testing cannot be performed because of weather conditions, and when such is the case, the APPLICANT shall provide the Ellport Wastewater Treatment Plant Operator or his designate or in the event of an on-lot septic system, the state certified Sewage Enforcement Officer, with written authorization to perform the test as soon as weather permits. In addition, the APPLICANT shall provide a signed written acknowledgment from the purchaser of the real estate, agreeing to correct, at the said purchaser's sole expense, any violations/defects that may be discovered as the result of subsequent tests. Nothing in this subsection shall prohibit any purchaser from requiring the APPLICANT to reimburse the purchaser for any costs incurred; PROVIDED, NEVERTHELESS, that primary liability shall run with the land and no such agreement shall affect the Borough's enforcement powers.
- B. When an illegal storm or surface water connection or malfunctioning drainage system or malfunctioning on-lot septic system, has been discovered and the necessary remedial activities to correct such connection would require a length of time such as to create a

Borough of Ellport, page 3.

practical hardship for the APPLICANT, the APPLICANT may apply to the Ellport Wastewater Treatment Plant Operator or his designate or in the event of an on-lot septic system, the state certified Sewage Enforcement Officer for a Temporary Document of Certification that may only be issued when the APPLICANT provides all of the following:

1. A bona fide executed contract between the APPLICANT and a contractor approved by the Ellport Wastewater Treatment Plant Operator or his designate or in the event of an on-lot septic system, the state certified Sewage Enforcement Officer, to complete the necessary remedial work with the Borough of Ellport listed therein as a third party beneficiary;
2. An agreement by the APPLICANT and/or purchaser to be responsible for all cost overruns related to the remedial work, together with a license to the Ellport Wastewater Treatment Plant Operator or his designate or in the event of an on-lot septic system, the state certified Sewage Enforcement Officer to enter upon the property to complete work in case of default by the contractor. If the corrective work is not completed by 90 days from the date of the contract, the temporary certification shall expire. In this event, the Wastewater Treatment Plant Operator or his designate or in the event of an on-lot septic system, the state certified Sewage Enforcement Officer shall be authorized to enter the property, complete the repairs under contract and lien the property for the costs of said repairs.

Section V. The Wastewater Treatment Plant Operator or his designate or in the event of an on-lot septic system, the state certified Sewage Enforcement Officer, is hereby authorized, empowered and directed to make reasonable rules and regulations for the operation and enforcement of this Ordinance as he deems necessary, which shall include, but not be limited to:

- A. Establishing acceptable forms of security or guarantees;
- B. Acceptable testing methods;
- C. Establishing the forms of applications, purchaser acknowledgments and plumber certifications;
- D. Limiting the times of year in which Temporary Documents of Certificate are available for reasons of weather.

All rules and regulations issued pursuant to this Section shall be in writing and be approved by Motion of the Ellport Borough Council prior to such rules and regulations being effective.

Section VI. Nothing in this Ordinance shall limit, in any fashion whatsoever, the Borough's rights to enforce any Ordinance, Resolution or Law of the Borough of Ellport, Commonwealth of Pennsylvania. Nothing in this Ordinance shall be a defense of any citation issued by any municipal corporation or the Commonwealth pursuant to any other Law, Ordinance or Resolution.

Borough of Ellport, page 4.

Section VII. 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 and costs of prosecution, and in default of payment thereof, to imprisonment for a term not to exceed ninety (90) days.

Section VIII. The provisions of the 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.

Section IX. Any Ordinance or Resolution or part of any Ordinance or Resolution conflicting with the provisions of this Ordinance be and the same are hereby repealed to the extent of such conflict.

Section X. The Effective date of this Ordinance is February 1, 2008.

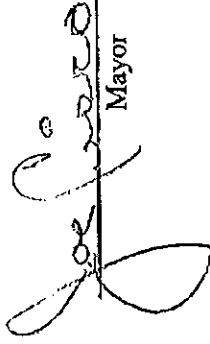
ENACTED and ORDAINED this 21st day of January, 2008, by a majority vote of the members of the Borough Council of Ellport, Lawrence County, Pennsylvania, during a duly advertised meeting of said Council, with a quorum or more of Council being present and after proper advertisement.

ATTEST

Maquerite Christy
Borough Secretary


Council President

Reviewed and approved.


Mayor