

**MONROEVILLE MUNICIPAL AUTHORITY**

**RESOLUTION NO. 364**

**MUNICIPALITY OF MONROEVILLE**

**ORDINANCE NO.2248**

**A RESOLUTION OF THE MONROEVILLE MUNICIPAL AUTHORITY, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING RESOLUTIONS 276, 277, 348, AND 357 REQUIREMENTS FOR CERTIFICATION OF SANITARY SEWER STATUS PRIOR TO THE SALE, TRANSFER OR CONVEYANCE OF REAL ESTATE WITHIN THE MUNICIPALITY OF MONROEVILLE, AND, AS A CONDITION FOR THE ISSUANCE OF MUNICIPAL LIEN LETTERS AND PROPERTY TAX VERIFICATION LETTERS.**

**WHEREAS**, the Municipality of Monroeville and the Monroeville Municipal Authority is desirous of eliminating storm and surface waters from entering into the sanitary sewer system of the Monroeville Municipal Authority and;

**WHEREAS**, the Municipality of Monroeville and the Monroeville Municipal Authority are desirous of establishing certain procedures for the issuance of municipal lien and property tax certifications.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Monroeville Council of the Municipality of Monroeville and Board of the Monroeville Municipal Authority, Allegheny County, Pennsylvania, and it is hereby ordained by and with the authority of the same:

**SECTION 1: GENERAL**

After the effective date of this Ordinance, it shall be unlawful for any person to sell, transfer or convey real estate within the Municipal of Monroeville on 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 Monroeville Municipal Authority.

**SECTION 2: DEFINITIONS**

1. **Person:** Any person, syndicate, associate, partnership, firm, corporation, institution, agency, Authority, or other entity recognized by law as the subject of rights and duties.
2. **Municipal Lien and Property Tax Verification Letter:** A written letter from the proper official of the Municipality of Monroeville or Monroeville Municipal Authority concerning municipal liens and property taxes.

3. Document of Certification: An official statement from the proper officer of the Monroeville Municipal Authority stating that there are no known illegal storm or surface water connections into the sanitary sewer on the specific property which is being sold.
4. Temporary Document of Certification: A temporary statement of certification from the proper officer of the Monroeville Municipal Authority, issued pursuant to the terms of Section IV of this Ordinance, and Resolution.
5. Illegal Storm or Surface Water Connections: Includes but is not limited to the discharge of ground or surface water or the connection of down spouts, roof drainage, surface areaway drainage, or foundation or basement drainage into the sanitary sewer system.

### **SECTION 3--DOCUMENT OF CERTIFICATION APPLICATION**

Any person selling, transferring or conveying real estate located within the Municipality of Monroeville (hereinafter "APPLICANT") shall make application on a form furnished by the Monroeville Municipal Authority at least thirty (30) days before the date of sale, transfer, or conveyance. The AUTHORITY shall perform, at is deems necessary, the following tests:

1. Dye-testing at each downspout and area drain.
2. Dye-testing foundation drains by flooding or injection.
3. Smoke-testing public sewer and sewer lateral to the house trap.
4. Smoke-testing building drain on house side of trap.
5. Air-testing lateral.
6. Hydrostatic testing lateral.
7. Televising of main sewer and/or lateral sewer during periods of saturated ground and/or precipitation.
8. All testing shall be on a pass-fail basis with the Authority having the right to reject any tests or test results which it feels are inconclusive or inaccurate.

In the event that there are no illegal storm or surface water connections and the existing drainage system is sound, the Monroeville Municipal Authority Inspector or his designate shall issue a Document of Certification upon the payment of any established fee.

When an illegal storm or surface water connection or malfunctioning drainage 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 certification of such removal/repair by a registered, licensed plumber is received. **Removal/repair must be completed and inspected by Authority staff prior to closing or within thirty (30) days from date of closing if a Sewer Lateral Escrow Agreement has been approved by the Authority.**

#### **SECTION 4--TEMPORARY DOCUMENT OF CERTIFICATION**

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

1. The APPLICANT proves that such testing cannot be performed because of weather conditions, and when such is the case, the APPLICANT shall provide the Authority with security in the amount of Five Thousand Dollars (\$5,000.00) to guarantee that the appropriate test will be performed. The AUTHORITY will cause to have performed the appropriate test within the fourteen (14) days of subsequent written notification to the APPLICANT, which will be given at such time as weather conditions make such testing possible. 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 Municipality of Authority's enforcement powers or excuse the current owner from performance.
  
2. When an illegal storm or surface water connection or malfunctioning drainage system has been 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, the APPLICANT may apply to the Authority Manager for a Temporary Document of Certification which may only be issued when the Applicant provides the Authority with all of the following:
  1. A bona fide executed contract between the APPLICANT and a registered, licensed plumber to complete the necessary remedial work with the Authority listed therein as a third party beneficiary;
  2. Cash Security in the amount of said contract as posted with the Closing Company and,

3. A Sewer Lateral Escrow agreement by the purchaser to be responsible for all cost overruns related to the remedial work, together with a license to the Authority to enter upon the property to complete work in case of default by the contractor. The Authority Manager shall determine, when such Temporary Document of Certification shall expire, at which time the security shall be forfeited, and the Authority may use the security to have the necessary remedial work completed.

#### **SECTION 5**

The Authority Manager is hereby authorized, empowered and directed to make reasonable rules and regulations for the operation and enforcement of this Ordinance and Resolution as he deems necessary, which shall include, but not be limited to:

1. Establishing acceptable forms of security or guarantees;
2. Acceptable testing methods; As per approved standard procedures.
3. Establishing the forms of applications, purchaser acknowledgments and plumber certifications;
4. Limiting the times of year in which Temporary Documents of Certification are available for reasons of weather.

All rules and regulations issued pursuant to this Section shall be in writing and be approved by the Monroeville Municipal Authority Board prior to such rules and regulations being effective.

#### **SECTION 6**

Nothing in this Ordinance and Resolution shall limit, in any fashion whatsoever, the Municipality's right or the Authority's right to enforce any ordinance, resolution or law of the Municipality of Monroeville, County of Allegheny or Commonwealth of Pennsylvania, the intent being that this Ordinance and Resolution shall supplement already existing resolutions and ordinances dealing with the enforcement of sanitary sewer status within the Municipality of Monroeville. Nothing 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 7**

Any person who shall fail; neglect or refuse to, comply with any of the terms or provisions of this Ordinance and 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 \$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 8**

The provisions of this Ordinance and Resolution 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 and Resolution shall not be affected or impaired thereby.

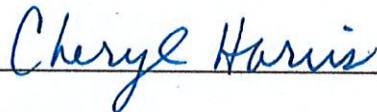
**SECTION 9**

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

**SECTION 10**

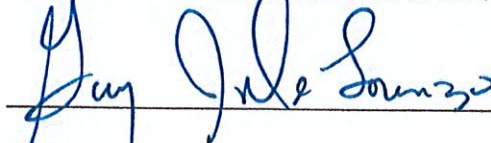
The effective date of this Resolution shall be the 18th day of September 2017.

ATTEST:

  
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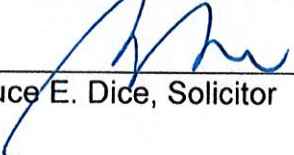
Secretary

MONROEVILLE MUNICIPAL AUTHORITY

  
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Chairman

APPROVED AS TO FORM:

  
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Bruce E. Dice, Solicitor