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Part 1
Holding Tanks

§101. Holding Tank; Permit; Bond.

The utilization of a holding tank as the permanent receptacle for sewage within the Township is strictly forbidden; however, if a person desires to utilize a holding tank on a temporary basis, not to exceed 18 months, and where public sewer shall be constructed to the owner's property within that timeframe, then the person shall apply for a permit for a holding tank from the Township. Each person, firm, or corporation that receives a permit from the Township of Sewickley, after application, for the use of a holding tank for the reception and temporary storage of sewage, waste products, waste water, or any other thing which may not be dumped or drained on the lots, streets, or highways of the Township or into the waters thereof, shall furnish a bond to the Township with approved surety which will provide that the person, firm, or corporation to whom the permit is issued and his surety will save and hold harmless the Township of Sewickley and its elected and appointed officials from any liability or cost of defense from the improper use of such holding tanks, or from the failure to empty such tanks at proper times, or from the overflow thereof with damage to any other person or property whatsoever. (*Amended by Ordinance No, 2013-4, adopted 5/15/13*).

§102. Amount of Bond.

The bond shall be in amount satisfactory to and approved by the Township of Sewickley.

§103. Bond Delivered to Township.

The bond shall be delivered to the Township of Sewickley for safe keeping.

§104. Notice of Bond Cancellation.

The bond shall not be canceled without ten (10) days prior notice to the Township of Sewickley.

§105. Responsibility for Premium.

All premiums on the bond shall be paid by and be the sole responsibility of the person to whom the holding tank permit was issued, or their heirs, successors, and assigns to the real property for which the permit was issued.

§106. Inspection.

The person, firm or corporation to which a holding tank permit is issued, shall, in addition to the other provisions of this ordinance, upon request by sewage officer or other official of the Township of Sewickley, at reasonable times, allow an inspection of the holding tank and adjacent area, for leakage, and its alarm systems for proper operations.

§107. Permit May be Revoked.

Improper use of a holding tank, or use of a malfunctioning alarm system which is not corrected within forty-eight hours of notice of the malfunction in the Township of Sewickley, or failure to correct leakage of any kind, at any time, from the holding tank, shall, in addition to the other penalties set forth herein, be reason for the Township of Sewickley to revoke the permit for the holding tank and alarm system.

§108. Penalty.

Any person, firm or corporation who shall violate any provision of this Part or Ordinance shall, upon being found liable in a summary offense proceeding, pay a fine of not more than \$1,000.00 for each violation, plus court costs and such other costs and expenses as permitted by law, or upon default in payment of such fine and costs, undergo imprisonment to the extent allowed by the law for punishment of summary offenses. In addition to the other powers set forth herein for violation, the Township of Sewickley may institute proceedings in courts of equity to compel the cessation of violation and, further, to collect all costs, charges and expenses incurred in the enforcement process.

**Part 2
Mandatory Connection**

Article I – Definitions

§201. Terms defined.

The following words and terms used in this Ordinance shall have the meanings herein assigned unless the context clearly indicates otherwise:

- A. **AUTHORITY** – The Municipal Authority of Westmoreland County and/or its Board. In the alternative, this term shall also apply to the Sutersville-Sewickley Municipal Sewage Authority. The term “Applicable Authority” shall be the authority that has jurisdiction over the service area.

- B. **BUILDING** – Any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings and from which structure sanitary sewage, industrial wastes, or uncontaminated wastewater is or may be discharged. The term “building” includes dwelling units, single and multiple family residences, apartment buildings, trailers, mobile homes, condominiums, townhouses, garages, schools, churches, hospitals, clubs, bars, restaurants, stores, and any other similar type of residential , commercial, or industrial structure.

- C. **BUILDING SEWER** – A sewer carrying sewage from within a building to the point of connection to the public sanitary sewer system; provided, however, no building sewer may have connected thereto a floor drain unless the connection of such floor drain is permitted by the Authority.

- D. **FLOOR DRAIN** – An open drain having a surface elevation which is at or below the elevation of the first floor of the building in which it is located.

- E. **GARBAGE** – Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce or other food stuffs.

- F. **INDUSTRIAL WASTES** – Any liquid, gaseous or waterborne wastes created by or arising from industrial process as distinct from sanitary sewage.

- G. OWNER – Person owning property served by the Authority’s public sanitary sewer system.
- H. PERSON – Includes any natural person, estate, trust, partnership, association and corporation. Whenever used in any clause prescribing and imposing a penalty, or imposing a fine or imprisonment, or both, the term “Person” shall include the members of an association and the officers of a corporation.
- I. PROPERLY SHREDDED GARBAGE – The wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
- J. PUBLIC SANITARY SEWER SYSTEM – The system of sanitary sewers, facilities, sewage pumping stations, and all other sewerage facilities owned, operated or utilized in any manner by the Authority for the collection, transportation and treatment of sanitary sewage and industrial wastes, together with their appurtenances and any expansions or extensions thereof or improvements thereto.
- K. RULES AND REGULARITIES OF THE AUTHORITY – The rules, regulations, specifications, drawings, manuals, procedures, policies, and resolutions duly adopted from time to time by the Authority, together with all amendments thereof, governing the use, maintenance, repair, and replacement of the public sanitary sewer system or any portion thereof, the connection of building sewers thereto, and any expansions or extensions thereof or improvements thereto.
- L. RUNOFF – Any part of precipitation that flows over the land surface.
- M. SANITARY SEWAGE – The normal water-carried wastes from sinks, showers, baths, and toilets.
- N. SANITARY SEWER – A sewer which carries sewage and to which no stormwater, surface water, and groundwater of any kind or type are to be admitted.
- O. SERVICE AREA – Those areas of the Township of Sewickley for which the Authority was formed to undertake the planning, financing, acquisition, construction, operation and maintenance of a sewage collection, transmission and treatment system pursuant to the Ordinance of the Township of Sewickley, duly adopted and enacted by the Township.
- P. SEWAGE – Water-carried wastes consisting of sanitary sewage, industrial wastes, and uncontaminated wastewaters, or a combination thereof, collected and conveyed through the building sewer of the building in which the wastes are generated.
- Q. SEWER – A pipe or conduit for carrying sewage.

- R. STORM SEWER – A system of drains and piping which is intended to carry stormwater runoff, surface waters, and groundwater drainage but which is not intended to carry any sewage.
- S. STORMWATER – The total amount of precipitation which reaches the ground surface.
- T. TOWNSHIP – The Township of Sewickley, Westmoreland County, Pennsylvania, and/or its governing body.
- U. UNCONTAMINATED WASTEWATER – Any wastewater acceptable for direct discharge without treatment to public waters, as determined by the proper commonwealth and/or federal regulatory agencies, including spent cooling water.

Article 2 – Mandatory Connection to the Public Sanitary Sewer System

§202. Use of public sanitary sewer system.

The public sanitary sewer system is primarily intended to transport for treatment sanitary sewage discharged from buildings now existing or hereafter erected on property located within the Service Area. The owner or owners of each property accessible to the public sanitary sewer system shall cause each building sewer of any building now existing or hereafter erected on the property and located within 150 feet of any sewer line constituting a part of the public sanitary sewer system to be connected to the public sanitary sewer system. Each such connection shall be made in strict compliance with the rules and regulations of the Authority in effect at the time application is made to the Authority for a connection permit.

Article 3 – Prohibited Discharges

§301. Discharge of excessive amounts.

No person shall discharge into the public sanitary sewer system uncontaminated wastewater without first obtaining from the Authority a permit for such discharge. Application to the Authority shall be made upon a permit form to be developed and supplied by the Authority for permission to discharge uncontaminated wastewater into the public sanitary sewer system.

§302. Discharge of garbage.

No person shall discharge into the public sanitary sewer system garbage unless the garbage is properly shredded garbage.

§303. Discharge of industrial wastes.

No person shall discharge into the public sanitary sewer system industrial wastes except pursuant to the provisions of any industrial pretreatment regulations adopted by the Authority.

§304. Discharge of holding tanks.

No person shall discharge into the public sanitary sewer system any waste containing the effluent from a privy, septic tank, sink hole or cesspool or other receptacle for receiving and holding

sanitary sewage for an extended period of time before being discharged.

§305. Discharge of stormwater, runoff, surface or subsurface water.

No person shall discharge into the public sanitary sewer system any stormwater, surface water, roof runoff water, driveway runoff water, foundation drain water, French drain water, subsurface drainage or water from springs.

§306. Adoption of rules and regulations of the Authority.

The Authority may from time to time adopt such rules and regulations of the Authority as the Authority shall deem necessary and appropriate for the efficient use, operation, maintenance, repair, expansion, extension, and improvement of the public sanitary sewer system. In the event any of the rules and regulations of the Authority conflict with any provisions of this Ordinance, the rules and regulations of the Authority shall prevail.

Article 4 – Rates and Other Charges

§401. Right to fix and collect rates and other charges.

The Authority, as the owner and operator of the public sanitary sewer system, shall have the right to fix, alter, charge, and collect rates and other charges at reasonable and uniform rates to be determined exclusively by the Authority in accordance with applicable law for the purpose of providing for the payment of the expenses of the Authority, the construction, improvement, repair, maintenance, and operation of the public sanitary sewer system and the properties owned by the Authority.

§402. Commencement of rates and charges.

The imposition of the Authority's rates and other charges for use of the public sanitary sewer system shall commence on the date the owner's building sewer is connected to the public sanitary sewer system or the date set forth in the notice to connect to the public sanitary sewer system issued by the Authority to the property owner, whichever first occurs and regardless of whether actual connection of the building to the public sanitary sewer system has been completed.

Article 5 – Permit to Connect to Public Sanitary Sewer System

§501. Permit to connect required; application.

- A. No person shall connect any building sewer to the public sanitary sewer system without first having obtained a written permit from the Authority setting forth the conditions under which such connection shall be made and authorizing the construction of the connection. Application to the Authority shall be made upon a permit form to be developed and supplied by the Authority for permission to connect to the public sanitary sewer system. Among other things, the applicant must state the character and use of each building located upon the property or to be constructed thereon, and, for commercial and industrial use buildings, the projected yearly water consumption.

- B. Payment of the enumerated fees charged by the Authority for connection to the public sanitary sewer system shall be paid at the time the application is submitted.
- C. A separate permit shall be required for each building sewer connection to the public sanitary sewer system.
- D. Any person commencing work on the construction of a connection of a building sewer to the public sanitary sewer system without first having obtained a permit from the Authority authorizing said connection shall be in violation of this Ordinance.

§502. Connection of certain drains prohibited.

No person shall connect directly or indirectly to the public sanitary sewer system or permit to be connected directly or indirectly to the public sanitary sewer system any stormwater drain, roof runoff drain, foundation drain, French drain, driveway drain, surface or subsurface water drain or permit, allow or cause to enter into the public sanitary sewer system any sewage from any building other than the building for which the permit was issued.

§503. Inspections at time of connection.

- A. The Authority shall inspect the entire building sewer to the point where connection is made to the public sanitary sewer system and the Authority's inspector shall be present at the time actual connection of the building sewer to the public sanitary sewer system is made.
- B. At the time of inspection of the connection, the owner of the building being connected shall permit the inspector full and complete access to all sewer and drainage lines and facilities in the building and in and about all parts of the property.

§504. Construction specifications.

The construction of all building sewers and the connection thereof to the public sanitary sewer system shall be completed in accordance with the rules and regulations of the Authority.

§505. Authority to perform work upon noncompliance.

If the owner shall neglect or refuse to comply with the mandatory connection provisions set forth in Article II of this Ordinance, the Authority, if legally authorized to do so, may perform or cause to be performed such work and labor, and furnish or cause to be furnished such material as may be necessary to comply with the mandatory connection provisions of Article 2 of this Ordinance at the cost and expense of such owner, which cost and expense shall be collected from the owner for the use of the Authority, as debts are by law collectible, or the said Authority may, by its Solicitor, file a municipal claim or lien therefore against the property as provided by law.

§506. Maintenance of building sewer.

The maintenance of the building sewer shall be the responsibility of the property owner.

§507. Inspections of building sewers.

The Authority through its authorized representatives shall have the right to enter upon any property serviced by the public sanitary sewer system for the purpose of inspecting the building sewer. Any right of entry hereunder shall be for the purpose of determining whether or not the building sewer

or any source of effluent into same is in accordance with the rules and regulations of the Authority and also whether or not such building sewer is the source or cause of any infiltration of inflow into the public sanitary sewer system. The right of entry authorized hereunder shall also include the right to inspect the building sewer through dye testing, air testing, smoke testing or utilization of one or more portable television cameras or such similar testing as may be used from time to time by the Authority and also to inspect surface drains and lines to determine whether or not the same are connected into or intersect with any building sewer or the public sanitary sewer system. In the event that as a result of such inspection it is determined that such building sewer is not in full compliance with the rules and regulations of the Authority, then the property owner shall be given notice thereof by the Authority and said property owner shall be given a period not to exceed 60 days from receipt of the written notice to cause each violation to be corrected. In the event that the property owner fails or refuses to perform the necessary corrective action within the time permitted, the Authority, through its authorized representatives, shall have the right to enter upon said property for the purpose of causing such necessary corrective action to be completed. Any costs, expenses, charges, and fees incurred by the Authority shall be promptly reimbursed to the Authority by the property owner and, in lieu thereof, shall be entered as a municipal lien upon the property under the applicable laws of the Commonwealth of Pennsylvania.

Article 6 – Construction Within Rights-of-Way Prohibited

§601. Construction prohibitions.

No sanitary sewer right-of-way currently existing or hereinafter created in the Township and owned by either the Township or the Authority or which is otherwise located in a private or public roadway or a street or an unopened street or right-of-way of record shall be encumbered in any manner as set forth hereinafter:

- A. No structure of any kind whatsoever, including, but not limited to, garages, swimming pools, utility sheds, dog houses, decks, pavilions, or porches shall be constructed or placed within the limits of the right-of-way.
- B. Fences may be installed; however, subject to the rights of either the Township or the Authority at any time to remove such fence to perform maintenance, repair or replacement of a public sewer line. Any damage caused to the fence by reason of its removal shall be borne by the owner of the fence, and neither the Township, nor the Authority shall have any obligation with respect to the repair, replacement or restoration of any fence so removed.
- C. Any plants or shrubbery located within the limits of any right-of-way shall be at the risk of the owner of the property and may be removed by either the Township or the Authority as may be required for performance of any maintenance, repair or replacement of any public sewer lines, and neither the Township nor the Authority shall have any obligation to the property owner for any loss, repair or replacement of any flowers or shrubbery which may be removed by such event.
- D. In the event that there are any trees, shrubs or any structures located within any rights-of-way for the public sanitary sewer system which in the opinion of the Authority's consulting

engineer are causing or may cause or contribute to the blockage of the public sanitary sewer system or may cause any portion of the public sanitary sewer system to be disrupted or otherwise cause injury or damage to the public sanitary sewer system, then the Authority may forward written notice of the same to the property owner, who shall cause the offending trees, shrubs or structures to be removed at his own cost and expense within 30 days from the date of said notice; and in the event of nonremoval, then the Authority shall have the right to enter upon the affected right-of-way for the purposes of removing such trees, shrubs or structures, with all costs to be taxed against the property owner; and in the event of nonpayment, the same shall be filed as a municipal lien. In the event the Authority causes the removal of the same, then it may do so without being responsible to the property owner for the cost of replacement of such trees, shrubs or structures, and no resulting damage shall inure to the benefit of the property owner by reason of the action taken by the Authority.

Article 7 – Violations and Penalties

§701. Violations and penalties; separate violations to be separate offenses; Summary Offenses.

Any person violating any provision of this Ordinance or any provision of the rules and regulations of the Authority shall be guilty of a summary offense and, upon conviction thereof by the Magisterial District Justice in a summary criminal proceeding, shall be sentenced to pay a fine of not more than \$1,000.00, together with costs of prosecution and reasonable attorneys' fees. Upon default in the timely payment of such fine, costs, and reasonable attorneys' fees as shall be imposed by the Magisterial District Justice, such person shall be imprisoned for not more than 30 days. Following receipt by any person of written notice issued by either the Township or the Authority that a violation exists for which the person so notified is liable to correct, each full week thereafter that such violation continues shall constitute a separate enforceable offense.

§702. Civil Proceedings.

In addition to the provisions of Section 1 of this Article, any person violating any provision of this ordinance or any provision of the rules and regulations of the Authority, which violation results in either or both the Township and the Authority incurring costs and expenses to correct such violation, shall be civilly liable for such costs and expenses. The costs and expenses imposed for such violation shall be those as are actually incurred by or otherwise charged to the Township or Authority, including the costs and expenses for any cleanup or restoration work performed in connection with correction of the violation. The Township and Authority shall each have the right to enforce payment of such costs and expenses by the institution of a civil proceeding against the person liable for the payment thereof in the Court of Common Pleas of Westmoreland County or such other court having jurisdiction over such proceeding.

Article 8 – Administration

§801. Administration and enforcement.

The Township does hereby designate the Municipal Authority of Westmoreland County, within its service area (excluding the service area of the Sutersville-Sewickley Municipal Sewage

Authority), as its exclusive agency for the administration and enforcement of the provisions of this Ordinance and hereby grants unto said Authority the powers, duties and responsibility concerning the same.

Article 9 – General Provisions

§901. Repeal of inconsistent ordinances.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

§902. Severability clause.

If any word, phrase, section, sentence, clause or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, invalidity or illegality shall not affect or impair any of the remaining words, phrases, sections, sentences, clauses or parts of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of the Township of Sewickley that this Ordinance would have been adopted had such unconstitutional, illegal or invalid word, phrase, section, sentence, clause or part thereof not been included therein.

§903. Effective date.

This Ordinance shall become effective immediately upon its adoption by the Township; the adoption date hereof being November 15, 2006.

Article 10 – Sewage Lateral Inspections

(§1001 – §1009 added by Ordinance No. 2013 – 11; adopted 12/18/13)

§1001. Authorization.

The Township of Sewickley (hereinafter “Township”) hereby designates the Municipal Authority of Westmoreland County (hereinafter “MAWC) its employees, agents and/or designees as the authority to identify, report and require disconnection of any illegal stormwater or surface water connection made or discovered at any time prior to or following the effective date of this ordinance, to the public sewer system of MAWC and for such purpose and in conjunction with the regulatory power of the Board of Supervisors of the Township of Sewickley, such employees, agents and/or designees are authorized to enforce, consistent with the ordinances in effect within the Township and the Regulations adopted from time to time by MAWC the provisions of this ordinance with respect to illegal stormwater and surface water connections to the MAWC sewage system.

§1002. 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. Municipal Lien Letter – A written letter from the proper official of the Township concerning municipal liens.
- C. Certification of Sewer Lateral – An official statement from the proper official of MAWC stating that there are no known illegal storm or surface water connections into the sanitary sewer connections of any individual property.

D. Illegal Storm or Surface Water Connections – The discharge of ground or surface water of the connection of downspouts, roof drainage, surface areaway drainage, or foundation drainage into the sanitary sewage system.

E. Authority – The Municipal Authority of Westmoreland County and its successor agency.

§1003. Written Reports of and Required Repairs of Deteriorating or Poorly Constructed Laterals and Sewer Service Connections.

When, during the course of operations within the Township and regular monitoring and maintenance of public sewer lines and facilities, the employees, agents and/or designees of MAWC identify deteriorating or poorly constructed laterals and sewer service connections, causing infiltration and inflow of extraneous waters into the public sanitary sewer system of MAWC, then written notice shall be provided to the property owner or owners as to the condition of such laterals and sewer service connections, together with a statement that such deteriorating or poorly constructed laterals and sewer service connections must, at the property owner's expense, be promptly repaired, replaced or rehabilitated within sixty (60) days of receipt of said notice. A copy of all written reports issued in connection with these examinations of deteriorating or poorly constructed laterals and sewer service connections shall be maintained as part of the official records of the Township.

§1004. Powers of the Municipal Authority of Westmoreland County.

MAWC, its employees, agents and/or designees, in performing the duties and undertaking the programs identified in this ordinance, shall be empowered to enter upon any private property at all reasonable times, with proper notice to the owner, for the purpose of obtaining information, conducting inspections and/or enforcing this ordinance and shall have only those powers expressly set forth in this ordinance and in other ordinances of the Township or provided by law to perform its functions consistent with such ordinances.

§1005. Powers Conferred Herein are in Addition to All Other Powers and Responsibilities of Authorities.

The powers conferred by the within ordinance to the Township shall be in addition to and not in substitution for any other powers conferred upon these entities to enforce and require the elimination of illegal stormwater and surface water connections to the public sewer systems maintained within the borders of the Township of Sewickley.

§1006. Periodic Testing Authorized.

A. No property owner or property user of the public sanitary sewer system of MAWC shall discharge, or permit the discharge of any stormwater, surface water, roof runoff, subsurface drainage, foundation drains, driveway drainage, cooling water or unpolluted industrial process water into said sanitary sewer system.

B. MAWC is hereby authorized to conduct random periodic smoke and/or dye tests, and any other appropriate test or inspection of all existing sewer systems and structures in them Township to determine compliance with this ordinance and other laws pertaining to sewer systems and structures.

- C. Upon satisfactory completion of testing of any property by MAWC or upon the completion of required remedial action to maintain any property in compliance with the terms hereof, the property owner shall be issued a Certification of Sewer Lateral setting forth the identification of the property owner, identification of the property by street address and tax map number, the date, nature and results of testing, and the completion of any required remedial action.
- D. Every owner, lessee or occupier of land within the territory serviced by MAWC shall submit to smoke and/or dye testing or other appropriate test or inspection by MAWC, its employees, agents and/or designees. The owner, lessee or occupier of the land shall permit said testing upon request. Testing will not be required when the owner, lessee or occupier of the land produces a valid Certification of Sewer Lateral issued by MSATS, its agent or designee, which Certification of Sewer Lateral shall be sufficient proof of compliance for purposes of this Ordinance three (3) years from the date of issuance.
- E. When illegal stormwater or surface water connections have been discovered, all necessary remedial work to correct such connection shall be completed by the owner, lessee or occupier of the premises, weather permitting, within forty-five (45) days of the date such party receives notification of the illegal connection.

§1007. No Conflict with General Police Powers.

Nothing in this ordinance shall limit, in any fashion whatsoever, the right of the Township to enforce ordinances or the laws of the Commonwealth of Pennsylvania. Nothing in the ordinance shall be a defense to any citation issued by any Municipal Corporation of the Commonwealth pursuant to any other law or ordinance.

§1008. Certification of Sanitary Sewer Status Prior to Sale or Refinancing of Real Estate.

- A. Any person selling or refinancing real estate located within the Township of Sewickley and connected to the public sanitary sewer system of MAWC must subject such person's real property to prior inspection, including inspection of interior premises of any building or residence, by authorized representatives of MAWC, at reasonable hours and upon prior written notice, to determine compliance with the Rules and Regulations of Municipal Authority of Westmoreland County. Such person shall not be issued a Certification of Sewer Lateral until (1) such inspection has been performed and has revealed no illegal connections or devices discharging extraneous waters into the sewer system or other violation of the Rules and Regulations of Municipal Authority of Westmoreland County, or (2) a follow-up inspection verifies that any violations identified in the initial inspection have been disconnected and removed.
- B. Required testing prior to sale or refinancing shall include a lateral camera inspection and dye testing of downspouts and drains.
- C. All inspections shall be done by MAWC, its employees, agents and/or designees.

- D. MAWC shall, from time-to-time by Resolution, adopt such standard forms or applications as may be necessary and appropriate for the facilitation of the inspections and certifications required herein.
- E. MAWC shall, from time-to-time by Resolution, adopt a standard charge or fee for the inspection of property prior to sale or refinancing and the same shall be due and payable as part of a lien certification covering sewage charges.

§1009. Violation and Penalties.

- A. Any person, firm, or corporation who is found to have violated any order of MAWC, or who willfully violated or failed to comply with any provision of this ordinance and the orders, rules, regulations and permits issued hereunder shall pay a fine or penalty of up to \$1,000.00 following conviction thereof by a Magisterial District Judge in a private criminal complaint. In addition, MAWC may recover damages, costs, reasonable attorney fees, court costs, and such other fees and expenses of litigation incurred in the prosecution of this claim.
- B. Upon final adjudication that a violation of this ordinance exists and refusal or failure to act by the property owner to undertake the repair, replacement or rehabilitation identified by written notice as herein provided, MAWC shall have the right to enter onto the subject property to conduct the necessary work to bring the property into compliance with this ordinance at the sole expense of the property owner, and further, upon the failure of the property owner to pay said expense, MAWC shall have the right to file a lien against the subject property for the amount of said expenses, together with costs of filing and perfecting such lien.