



THE BOROUGH OF BRENTWOOD
MUNICIPAL BUILDING – 3624 BROWNSVILLE ROAD
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ORDINANCE NO. 2016-1251

“SEWERS”

AN ORDINANCE OF THE BOROUGH OF BRENTWOOD, COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA, AMENDING IN LIMITED PART CHAPTER 167 OF THE CODE OF THE BOROUGH OF BRENTWOOD, WHICH PERTAINS TO SANITARY SEWERS.

WHEREAS, the Borough of Brentwood is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania, including, but not limited to, the Borough Code and the Water Services Act; and

WHEREAS, the Legislature of the Commonwealth of Pennsylvania vests the Borough of Brentwood with the power and authority to make and adopt all such ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth, as is expedient or necessary for the proper management, care and control of, *inter alia*, the Borough’s finances, the maintenance of peace, good government, health, safety and welfare of the Borough, its trade, commerce and manufacturers; and

WHEREAS, Brentwood Borough Council has determined that it is necessary to amend its Sewers Ordinance to clarify responsibilities regarding the repair and maintenance of sewer laterals and to amend the processes for attaining compliance documents associated with the condition of the same; and

NOW THEREFORE, on this ___ day of _____, 2016, it is hereby Enacted and Ordained by the Council for the Borough of Brentwood, that;

PART I: AMENDMENTS

Chapter 167, Article I, of the Code of the Borough of Brentwood is hereby amended in its entirety to read as follows:

ARTICLE I: CONNECTIONS AND DISCHARGE REGULATIONS

§167-1: DEFINITIONS

As used in this Article, the following terms shall have the meanings indicated:

Building drain:

The lowest section of the internal sewage drainage system of a structure, which receives the discharge of sewage from other drainage pipes inside the walls of the structure and conveys it to the sewer lateral beginning at the exterior wall of said structure.

Code Department:

A building inspector, code enforcement officer, or any other employee of the Borough charged with enforcing building and property maintenance codes.

Pipe liner:

A form of trenchless pipe rehabilitation by which a resin made of fiberglass, polyester, or a similar material is cured-in-place to form a new seamless pipe that is located entirely within the host pipe.

Public sewer:

Any pipe or other sewer drainage infrastructure owned and maintained by the Borough of Brentwood and lying within the limits of a public right-of-way or public easement that receives sewage from one or more sewer laterals at a sewer connection.

Sanitary sewer system:

The building drain, sewer lateral, sewer connection, and public sewer, inclusive.

Sewage:

Any combination of water and water-carried wastes discharged from a structure for conveyance to a wastewater treatment facility.

Sewer connection:

A section of pipe that is physically affixed to both the sewer lateral and the public sewer and that is designed to convey sewage from the former to the latter.

Sewer lateral:

The generally horizontal pipe of the sewage drainage system, which receives discharge from the building drain at the exterior wall of a structure and conveys it to the sewer connection at the public sewer.

§167-2: GROUND OR SURFACE WATER IN SYSTEM PROHIBITED

The sanitary sewer system of the Borough of Brentwood shall be used only for the drainage of sewage, and no ground water or surface water shall be drained into the sanitary sewer system either directly or indirectly. No rain spout, roof drain, area drain, driveway drain, and no foundation drain or sump pump, shall be connected or discharge into the sanitary sewer system.

§167-3: PROHIBITED ACTS

- A. No person, firm, or corporation shall damage, alter, or remove any manhole, lamp hole, or any other portion of the public sewer. No person, firm, or corporation shall deposit or discharge any ashes, cinders, sand, mud, straw, shavings, metals, glass, rags, feathers, tar, plastics, wood, whole blood, manure, bentonite, lye, building materials, rubber, hair, bones, leather, porcelain, china, ceramic wastes, or other solid or viscous substances capable of causing obstruction or other interference into the sanitary sewer system.
- B. The Code Department shall have the authority to prevent from discharging into the sanitary sewer system any substances capable of causing obstruction or other interference with the sanitary sewer system.

§167-4: PERMIT REQUIRED

- A. No sewer connection shall be installed unless a permit has been obtained from the Code Department. The fee for such permit shall be set annually by resolution of Borough Council.
- B. No permit shall be issued for the installation of a sewer connection by any person other than a master plumber licensed by the Allegheny County Health Department.

§167-5: REQUIREMENTS FOR SEWER CONNECTIONS

- A. The sewer lateral shall be connected to the public sewer at such place designated by the Borough.
- B. Except when the public sewer has been repaired with a pipe liner, the sewer connection shall be in the form of a manufactured wye branch. If no such wye branch is available, it shall be installed at the expense of the person desiring the same.
- C. Except when otherwise prohibited by topographical conditions, any connection between the sewer lateral and the wye branch shall be straight with the line of the wye branch. Under no circumstances shall said connection utilize curved pipe with an angle in excess of forty-five (45) degrees.
- D. If the public sewer has been repaired with a pipe liner, the sewer connection shall be in the form of a saddle sleeve, which shall be installed at the expense of the person desiring the same.
 - 1. To facilitate the installation of the saddle sleeve, a single hole shall be core drilled into the public sewer.
 - 2. All saddle sleeves shall include an internal pipe stop so as to prevent intrusion of the sewer lateral into the public sewer.
 - 3. The saddle sleeve shall be positioned at a forty-five (45) degree angle to the direction of flow in the public sewer.

- E. No sewer connection shall be installed in an existing manhole unless a sewer connection stub was provided for at the time that the public sewer was constructed.

§167-6: EXCAVATION AND BACKFILLING

- A. No material excavated from a sewer lateral trench shall be placed so as to obstruct a road, alley, or sidewalk. A barrier shall be maintained on the banks of such trench.
- B. No backfill shall be placed over any sewer connection until such pipe has been inspected and approved by the Borough. No backfill shall be placed over any sewer lateral or sewer connection until such pipe has been inspected and approved by the Allegheny County Health Department.
- C. Trenches shall be backfilled within twenty-four (24) hours of the completion of inspection.
- D. Trenches shall be carefully backfilled by tamping to a depth of six (6) inches above the crown of the pipe. No stone shall be used in filling until there is a depth of two (2) feet of fine earth or gravel placed above the crown of the pipe.

§167-7: RULES AND REGULATIONS OF THE ALLEGHENY COUNTY HEALTH DEPARTMENT

The provisions of the Rules and Regulations of the Allegheny County Health Department, Article XV, Plumbing and Building Drainage, Chapter 1 and Chapter 13, to the extent that they are not inconsistent with any other provision of this Article, are incorporated into and made a part of this Article as though fully set forth herein.

§167-8: RESPONSIBILITY FOR REPAIR AND MAINTENANCE

- A. Except when the sewer lateral is located beneath an improved roadway, alleyway, or walkway owned and maintained by the Borough of Brentwood, repair and maintenance of such sewer lateral is the responsibility of the owner of the structure served by such sewer lateral.
- B. Repair and maintenance of any sewer lateral located beneath an improved roadway, alleyway, or walkway owned and maintained by the Borough of Brentwood shall be the responsibility of the Borough.
- C. Repair and maintenance of the sewer connection is the responsibility of the Borough.

§167-9: VIOLATIONS AND PENALTIES

Any person, firm or corporation who or which shall violate any provision of this Article shall, upon conviction thereof, be sentenced to pay a fine of not less than \$500.00 and not more than

\$1,000.00, plus court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings, and, in default of payment thereof, shall be imprisoned for a term not to exceed 30 days. Every day that a violation of this chapter continues shall constitute a separate offense.

Chapter 167, Article IV, of the Code of the Borough of Brentwood is hereby amended in its entirety to read as follows:

ARTICLE IV: CERTIFICATION OF SANITARY SEWER STATUS

§167-33: DEFINITIONS

As used in this Article, the following terms shall have the meanings indicated:

Code Department:

A building inspector, code enforcement officer, or any other employee of the Borough charged with enforcing building and property maintenance codes.

Defect:

Any crack, fracture, hole, deformity, collapse, or similar structural degradation of the pipe wall of a sewer lateral, or any separation of the pipe joints of a sewer lateral, whereby stormwater, groundwater, or surface water is allowed to flow into the lateral.

Dye test:

Any commonly accepted plumbing test wherein dye is introduced into a stormwater or surface water collection system of real property to determine if stormwater or surface water is entering any sanitary sewer system.

Dye test compliance certification:

A written official statement from Brentwood Borough stating that there are no illegal storm, ground, or surface water connections into the sanitary sewer system, which illegal storm, ground, or surface water connections would violate any existing Borough ordinance regulating sewers.

Illegal storm or surface water connection:

The discharge of basement seepage, groundwater, surface water or other extraneous liquid, or the connection of any rain spout, roof drain, area drain, driveway drain, foundation drain, or sump pump, into any sanitary sewer system.

Municipal lien or tax certification letter:

A written letter from Brentwood Borough concerning municipal liens, sewage charges, refuse charges, and/or property taxes.

Person:

Any person, partnership, association, syndicate, firm, corporation, institution, agency, authority or other individual or entity recognized by law as the subject of rights or duties.

Plumber:

A natural person registered and licensed by the Allegheny County Health Department to perform maintenance and repair of plumbing systems.

Sewer connection:

A section of pipe that is physically affixed to both the sewer lateral and the public sewer, as defined in §167-1, and that is designed to convey sewage from the former to the latter.

Sewer lateral:

The generally horizontal pipe of the sewage drainage system, which receives discharge from the building drain, as defined in §167-1, at the exterior wall of a structure and conveys it to the sewer connection at the public sewer.

Sewer lateral compliance certification:

A written official statement from Brentwood Borough stating that there are no defects in the sewer lateral, which defects would violate any existing Borough ordinance regulating sewers.

Temporary certification of compliance:

A written statement from the Borough issued pursuant to the terms of §167-35 set forth herein below in this Article.

Transfer:

Any conveyance of real property that results in a change of names listed on the deed for said real property. A transfer shall not be deemed to have occurred if a change of names was due to the marriage, divorce, or death of spouse, or due to the creation of a trust in which the current owner or owners are exclusively named as beneficiary.

Video camera inspection:

Any commonly accepted plumbing test whereby a video camera is inserted into and travels through the entirety of the sewer lateral to determine if there are any defects in the sewer lateral, or if any illegal storm or surface water connection is entering the sewer lateral.

§167-34: COMPLIANCE CERTIFICATION REQUIRED; APPLICATION

- A. It shall be unlawful for any person to transfer real property within Brentwood Borough on which a building or improvement exists, without first attaining a dye test compliance certification and a

sewer lateral compliance certification, or a temporary certification of compliance, issued by Brentwood Borough.

- B. Any person, hereinafter referred to as "applicant", transferring real property within Brentwood Borough shall make application for a dye test compliance certification and a sewer lateral compliance certification. Said application must be made on a form furnished by the Borough at least twenty-one (21) days prior to the date of closing said sale transaction.
- C. The applicant shall secure performance of a dye test and a video camera inspection on the real property to be sold, which shall be conducted by a master plumber. Said master plumber shall complete a form, to be furnished by Brentwood Borough, confirming that said property has been dye tested and that the sewer lateral has been subject to a video camera inspection, and certifying the results of the same. Said master plumber shall also furnish a recorded copy of the results of the video camera inspection in DVD-Video format to the Code Department.
- D. If there are found no illegal storm or surface water connections, upon presentation of the completed form with acceptable test results and findings to the Code Department, the Borough Manager or his designee shall issue a dye test compliance certification to the applicant, contingent upon payment by the applicant to the Borough of a fee in an amount set forth by resolution of Borough Council.
- E. If there are found no sewer lateral defects, upon inspection and approval of the video camera inspection results by the Code Department, the Borough Manager or his designee shall issue a sewer lateral compliance certification to the applicant, contingent upon payment by the applicant to the Borough of a fee in an amount set forth by resolution of Borough Council.
- F. If the dye test, video camera inspection, or other investigation reveals the existence of illegal storm or surface water connections, then no dye test compliance certification will be issued to the applicant until the illegal storm or surface water connections are removed and certification of such removal by a master plumber is received by the Code Department. If a defect is sighted in the sewer lateral, no sewer lateral compliance certification will be issued to the applicant until the sewer lateral is repaired by a master plumber and said repairs are certified by the same. Upon the repair of the sewer lateral defects, said master plumber shall perform a video camera inspection and shall furnish a recorded copy of the results of the same in DVD-Video format to the Code Department.

§167-35: TEMPORARY CERTIFICATION OF COMPLIANCE

- A. A temporary certification of compliance may be issued by the Borough Manager or his designee if the applicant proves to the satisfaction of the Code Department that dye testing and/or video camera inspection cannot be performed prior to the transfer of such real property due to one of the following circumstances:

- (a) Adverse weather conditions as would interfere with the accuracy of the dye test and/or video camera inspection.
- (b) An agreement to transfer the real property in “as-is” condition, whereby contractually precluding the performance of the dye test and/or video camera inspection prior to the conveyance of the deed.

1. In the circumstances referenced herein, a temporary certification of compliance may only be issued when the applicant provides the Code Department with all of the following:

- (a) Security in cash, certified check, cashier's check, or money order in the amount of \$500.00.
- (b) A written escrow agreement on a form furnished by the Borough, and such escrow agreement shall be signed by both the seller and the purchaser of said real property, whereby the purchaser agrees to repair, at the purchaser's sole expense, any illegal storm or surface water connections or any sewer lateral defects discovered as a result of said subsequent dye test and/or video camera inspection.

2. The dye test and/or video camera inspection shall be performed within fourteen (14) days of the date of closing of said transaction.

3. If the dye test and/or video camera inspection reveals the existence of illegal storm or surface water connections and/or defects in the sewer lateral, such illegal storm or surface water connections and/or defects in the sewer lateral shall be removed or repaired within twenty-one (21) days of the same.

4. No provision of this subsection shall prohibit an agreement between the seller and the purchaser, requiring the seller to reimburse said purchaser for any cost incurred pursuant to this Article, provided, however, that primary responsibility and liability for correction of any illegal storm or surface water connection and/or sewer lateral defect shall be acknowledged by both the seller and the purchaser to run with the land, and provided further, that no agreement between the seller and the purchaser shall affect the Borough's power to enforce the provisions of this or other Borough ordinances or excuse any owner of said real estate from full performance or compliance.

B. A temporary certification of compliance may be issued by the Borough Manager or his designee if an illegal storm or surface water connection and/or sewer lateral defect is discovered and the necessary remedial actions to correct such illegal storm or surface water connection and/or sewer lateral defect would require such length of time as would create a practical hardship for the seller or the purchaser.

1. In the circumstances referenced herein, a temporary certification of compliance may only be issued when the applicant provides the Code Department with all of the following:

- (a) A bona fide, fully signed and executed written contract between the applicant and a master plumber, obligating the master plumber to complete the necessary remedial work, and granting Brentwood Borough status as a third party beneficiary of said written

contract, with full legal and equitable power to enforce any and all of the provisions of said written contract.

(b) Security in cash, certified check, cashier's check, or money order, in the total amount of said contract, including labor and materials, which security must be submitted to the Borough with the application forms.

(c) A written escrow agreement on a form furnished by the Borough, and such escrow agreement shall be signed by both the seller and the purchaser of said real property. Said escrow agreement shall name the Borough as a third party beneficiary of said escrow agreement, whereby the purchaser is obligated to, and responsible for, all cost overruns related to the remedial work and granting a license, easement and right-of-way to the Borough and its designated agents or representatives for entry upon said real property to enable commencement and completion of the work in the event of default by the plumber, the seller, or the purchaser.

2. No provision of this subsection shall prohibit an agreement between the seller and the purchaser, requiring the seller to reimburse said purchaser for any cost incurred pursuant to this Article, provided, however, that primary responsibility and liability for correction of any illegal storm or surface water connection and/or sewer lateral defect shall be acknowledged by both the seller and the purchaser to run with the land.

C. The Borough Manager or his designee shall determine when each such temporary certification of compliance shall expire and the plumber, the seller, and the purchaser shall all be advised in writing of the expiration date. Upon expiration of said temporary certification of compliance without completion of the remedial work, the security posted shall be forfeited and may be used by Brentwood Borough for completion of necessary remedial work. If the applicant is attempting in good faith to correct violations but is unable to do so within the time specified in the notice, the applicant shall have the right to request, in writing, such additional time as may be needed to complete correction work, which request shall not be unreasonably withheld.

§167-36: SEWER LATERAL DEFECTS WITHIN A PUBLIC RIGHT-OF-WAY

A. In accordance with **§167-8**, if a dye test and/or video camera inspection reveals that illegal storm or surface water connections and/or sewer lateral defects are located within a public right-of-way, and such illegal storm or surface water connections and/or sewer lateral defects are located beneath an improved roadway, alleyway, or walkway owned and maintained by the Borough of Brentwood, then the Borough shall be responsible for necessary corrective action to remediate the same.

B. The Borough shall not reimburse the applicant for any work performed prior to the submission and review of a copy of the video camera inspection by the Code Department.

§167-37 MUNICIPAL LIEN LETTERS; TAX CERTIFICATION LETTERS; PERIOD OF VALIDITY FOR COMPLIANCE CERTIFICATES

- A. A request for a municipal lien letter and a tax certification letter must be accompanied by a valid document of certification of compliance and payment of fees, in amounts set by resolution of Borough Council. The request for a municipal lien letter must be submitted to the Borough, and the request for a tax certification letter must be submitted to the Borough Tax Collector, both of which must be submitted at least ten (10) business days before such letters are to be provided to the applicant. No municipal lien letter or tax certification letter will be released until all valid documents of certification of compliance, and the commensurate fees, have been received by the Borough.
- B. The dye test compliance certification, sewer lateral compliance certification, municipal lien letter, and tax certification letter shall be valid for the shorter of the following periods of time:
 - 1. Five (5) years from the date of issuance; or
 - 2. Until the date of sale or conveyance of the subject property, including intra-familial transfers.

§167-38: ADDITIONAL RULES & REGULATIONS; CONSTRUAL OF PROVISIONS

- A. Borough Council may adopt and promulgate reasonable rules and regulations for the operation and enforcement of this Article, which may include, but shall not be limited to, the following:
 - 1. Forms and methods of providing security and guaranty to the Borough.
 - 2. Approved forms of all applications, acknowledgements, contracts, agreements, certifications, or other required documents.
- B. Nothing in this article is intended to limit, or to be construed as limiting, in any fashion or to any extent, the Borough's right to enforce any other Borough ordinance, resolution, motion, rule or regulation or any of the laws, regulations or rules of the Commonwealth of Pennsylvania, the Pennsylvania Department of Environmental Protection, or the County of Allegheny, nor shall it preclude the Borough from requiring dye testing and/or video camera inspections or other inspections of private sewer systems for the purpose of located defective piping which would allow surface of groundwater to enter the system. No provision of this article shall be a defense to any citation issued by any Pennsylvania municipal corporation or by the Commonwealth of Pennsylvania or by the Pennsylvania Department of Environmental Protection or by the government of the United States of America, pursuant to any of their respective statutes, laws, ordinances, rules or regulations.

§167-39: VIOLATIONS AND PENALTIES

Any person violating any provision of this Article or of any resolution, motion, rule or regulation or other requirement adopted pursuant to this Article shall, upon conviction of such violation, be subject to payment of a fine not to exceed \$1,000 per violation and, in a default of payment of such fine, to suffer imprisonment for a term not to exceed 30 days. Each day of violation of any provision of this Article shall be construed as a separate violation.

PART II- The Borough Manager, Code Department, Police Department, Borough Solicitor, and all others employed or appointed by the Borough of Brentwood, are authorized to take any and all action necessary to ensure implementation of this Ordinance and to effectuate the purpose hereof.

PART III- Any and all Ordinances and/or Resolutions, or parts thereof, conflicting herewith are repealed insofar as the matters here in affected.

PART IV- The provisions of this Ordinance are servable, and if any clause, sentence, section or subsection hereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair, or invalidate the remainder, but shall be confined in its operation and application to the clause, sentence, section or subsection rendered. It is hereby declared that the intent of the Borough of Brentwood Council that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional clause, sentence, section, or subsection had not been included therein.

PART V- This Ordinance is effective immediately upon enactment according to law, and shall remain in effect hereafter until revised, amended, or revoked by action of the Council of the Borough of Brentwood.

**ORDAINED AND ENACTED THIS _____ DAY OF _____ 2016 BY
THE BOROUGH COUNCIL OF THE BOROUGH OF BRENTWOOD.**

ATTEST:

BOROUGH OF BRENTWOOD

George Zboyovsky, P.E.

John Frombach

Borough Manager

President of Council

EXAMINED AND APPROVED BY ME THIS _____ DAY OF _____
2016.

Dennis Troy

Mayor

APPROVED AS TO FORM:

Clifford Levine

Borough Solicitor