

ORDINANCE NO. 2018- 02

BOROUGH OF MIFFLINBURG

UNION COUNTY, PENNSYLVANIA

**AN ORDINANCE OF THE BOROUGH OF MIFFLINBURG, COUNTY OF UNION, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 20, SEWERS AND SEWAGE DISPOSAL, SECTION 20-109, INSPECTION OF PRIVATE PROPERTY TO INCLUDE THE INSPECTION AT THE TIME OF TRANSFER OF OWNERSHIP OF ESTATE TO THE CODE OF ORDINANCES OF THE BOROUGH OF MIFFLINBURG.**

**WHEREAS**, the Borough of Mifflinburg operates a wastewater treatment system (“Sewer System”); and

**WHEREAS**, the Borough has previously adopted ordinances concerning the connection to the Borough’s system; and

**WHEREAS**, the Borough has, over the last year, experienced hydraulic overloads to the Sewer System; and

**WHEREAS**, the Borough has been placed under a connection ban by the Department of Environmental Protection (“DEP”) due to the hydraulic overload; and

**WHEREAS**, the Borough, in order to address issues related to the hydraulic overload, needs to take steps to address infiltrations and inflow into the Sewer System; and

**WHEREAS**, DEP has strongly encouraged the Borough to implement a program to have inspections conducted on all private property sewer service laterals at the time real estate is transferred; and

**WHEREAS**, the Borough, in order to implement this directive from DEP, is amending § 20-109 Inspection of Private Property to now include the requirement to have all sewer service laterals inspected at the time a parcel of real estate is transferred as set forth below.

**NOW THEREFORE BE IT ORDAINED AND ENACTED** by the Borough Council of the Borough of Mifflinburg, Union County, Pennsylvania, as follows:

**Part I**

**Chapter 20, Sewers and Sewage Disposal**

Section 20-109 is hereby amended to read as follows:

§ 20-109 Inspection of Private Property by the Borough and by the property owner(s) at the time of transfer of ownership of a parcel of real property.

1. A. At the time of the inspection of any building sewer or sewer service lateral, and from time to time as determined by the Mifflinburg Borough, Mifflinburg's representatives shall have the right to inspect the facilities within the improved property, following adequate prior notification, to determine whether the facilities connected to the sewer system are in conformance with Mifflinburg's Code of Ordinances. This inspection shall be permitted for purposes of inspection, measurement, sampling, and testing and for performance, violation determination or other functions relating to service rendered by Mifflinburg through the system.

B. Failure of any property owner to grant right of access to Mifflinburg for the intent and purposes listed herein shall constitute a violation of the law and, as such, shall subject said property owner to the fines and legal consequences as listed in § 20-113 of this Chapter. Each day of violation shall represent a new and separate offense subject under this Chapter.

2. A. Any person transferring an ownership interest in real property (applicant) located within the Borough, whose real property is connected to the sanitary sewer system, shall have the sewer service lateral on said real property inspected through a camerization and recording by a contractor selected by the applicant. Said person shall arrange for an inspection by obtaining an application for evidence of compliance certificate (application) from the Borough, submitting the completed application to the Borough, and paying such fee(s) and cost(s) as required by the Borough. Upon completion of the inspection, the inspector shall complete the appropriate section of the inspection results form (results form) confirming that the property has been inspected and certifying the results of such inspection.

(1) If the inspector determines that there are no illegal connections or failing pipes on the real property he shall so note on the results form and the application, and the Borough shall then issue the Evidence of Compliance certificate promptly after the Borough's receipt of the properly completed application and results form showing no illegal connections or failing pipes.

(2) If the inspector determines that there is/are illegal connection(s) or failing pipes on the real property he shall so note on the results form, and the applicant shall present a plan of corrective action for the Borough's approval on a Borough plan form. The time period for the completion of the remedial work (based upon the extent of the work required and the existing conditions) shall be such as the Borough will approve. After the corrective action has been taken, the applicant shall submit a report thereof to the Borough on the Borough's corrective action report form and pay any additional fee(s) and cost(s) required by the Borough. The real property will be reinspected, and if the inspector determines that there are then no illegal connections or failing pipes on the real property he shall so certify on the report form. The Borough shall then issue the Evidence of Compliance certificate promptly after the Borough's receipt of the completed application and the report form.

(3) If the reinspection reveals the existence of any illegal connections or failing pipes, the inspector shall so certify on the results form, and the applicant shall be required to correct under subsection 2.A.(2) above.

B. An Evidence of Compliance certificate shall be effective for three years following the date of its issuance. A property owner shall not be required to have an inspection completed if a valid non-expired Evidence of Compliance certificate exists for the real property being transferred. If any additions are made to the property within the period of three years, an additional certification shall be obtained from an inspector that the addition has no illegal connections.

3. Any person becoming an owner of real property (purchaser) located within the Borough connected to the sanitary sewer system on which a building or improvement exists without first obtaining from a grantor a valid Evidence of Compliance certificate or a temporary Evidence of Compliance certificate shall have said real property inspected in accordance with subsection 2.A. above and have all of the responsibilities of a seller under 2.A. and B. above.

**Part II**

Savings Clause. All other sections of Chapter 20 remain in full force and effect as previously enacted and amended.

**Part III**

Effective Date. This Ordinance shall be effective five (5) days from the date of enactment.

Duly Enacted and Ordained this 15<sup>th</sup> day of May, 2018 by the Borough Council of the Borough of Mifflinburg, Union County, Pennsylvania, in lawful session duly assembled.

**ATTEST:**

**BOROUGH OF MIFFLINBURG**

By: Margaret A. Metzger  
Margaret A. Metzger, Secretary

By: Beverly L. Hackenberg  
Beverly L. Hackenberg, President

**APPROVED** this 15<sup>th</sup> day of May, 2018.

By: David M. Cooney  
David M. Cooney, Mayor