

**PERRY TOWNSHIP
FAYETTE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1 OF 2016

**ORDINANCE AUTHORIZING AND REQUIRING INSPECTION OF
PROPERTY BY PERRY TOWNSHIP SEWAGE ENFORCEMENT
OFFICER OR OTHER DESIGNATED INDIVIDUAL TO TEST
AND VERIFY THE ON-LOT SEWAGE SYSTEM IS PROPERLY
FUNCTIONING.**

WHEREAS, Perry Township is concerned for the overall health, well-being, safety and general welfare of the citizens currently living in Perry Township and for the benefit of citizens who will be purchasing properties in Perry Township; and

WHEREAS, Perry Township desires to have all properties with on-lot sewage systems properly inspected prior to sale by the Sewage Enforcement Officer or designated individual; and

WHEREAS, proper inspection shall indicate whether or not the on-lot sewage system is properly functioning; and

WHEREAS, inspection will determine whether or not the on-lot sewage system is causing an outflow or overflow onto any other property or onto the highway thereby creating a nuisance; and

WHEREAS, inspection will determine whether or not a problem needs to be corrected before a property can be sold; and

WHEREAS, inspection will be beneficial to the Buyer of the property; and

WHEREAS, Perry Township believes that implementation of this Ordinance will contribute to and improve the overall health, safety, general welfare and sanitary conditions within Perry Township.

NOW THEREFORE, the Board of Supervisors of Perry Township, do hereby enact and ordain:

1. The Perry Township Supervisors hereby appoint the current Sewage Enforcement Officer to perform inspections pursuant to this Ordinance and may appoint, in the

future, a qualified person who is not a Sewage Enforcement Officer to perform inspections under terms and conditions set forth in this Ordinance.

2. The inspection procedure will be performed and will permit the Inspector (whether Sewage Enforcement Officer or other designated individual) the right to inspect the interior as well as to inspect the exterior of the property in order to insure compliance and that there is not an improper, unauthorized overflow of material from the septic system, which is on the surface of the ground, which is flowing onto a neighboring property, which is flowing onto the roadway, or to any other improper flow of material from the system.

3. Each Seller of property in Perry Township with an on-lot sewage system shall notify the Office of Township Supervisors of its intention to sell property within five (5) days after execution of a Sales Agreement and shall provide a copy of said Sales Agreement to the Perry Township Supervisors so that arrangements can be made to do the comprehensive inspection.

4. The Township Supervisors shall assign an individual who is qualified, knowledgeable, and experienced to perform a comprehensive inspection of the premises to be sold in order to insure that the system is functioning in accordance with the requirements of the Commonwealth of Pennsylvania, Department of Environmental Protection and any or all other rules, regulations and ordinances of Perry Township or Fayette County and/or the Commonwealth of Pennsylvania.

5. The property owner shall fully cooperate with the inspection and provide total information as well as total access to all areas that are necessary in order to accommodate a full, complete, comprehensive and valid inspection of the property to be sold.

6. Perry Township Supervisors shall make arrangements to have the property inspected within ten (10) days after notification from the property owner that the premises is under Sales Agreement and in the process of being sold or transferred to a new individual, entity, corporation, partnership, or buyer, whether family member or not (family members are included within the definition of buyer).

8. The inspector shall develop a comprehensive report on the findings of his inspection to indicate any lack of compliance, shall support failure to comply with photographic evidence, and provide all information to the homeowner as well as the Township Supervisors.

9. The Inspector will specifically identify the results of his inspection in sufficient detail that the homeowner will be able to determine what, if any, corrective action is necessary before the property can be sold.

10. All defects that need to be corrected shall be identified and the homeowner shall be responsible for developing a plan of correction for each defect, which plan will be reviewed and approved by the Sewage Officer jointly with Perry Township Supervisors within five (5) days after submission of the plan from the homeowner to the Perry Township Supervisors.

11. The homeowner shall certify to the Inspector and to the Perry Township Supervisors, in writing, that all drains from the property are connected to the sewage system and that there are no drain lines or sewage lines from the property that do not enter the septic tank. The purpose of this section is to determine that there are no wildcat or non-complying lines from the property, allowing grey water or sewage water, to be flowing into or onto any property except the septic tank itself.

12. Fees for inspection shall be approved by the Perry Township Supervisors on an annual basis at their Annual Reorganization Meeting or as required.

Payment of all fees is required in advance of the actual inspection and shall accompany the application or notification, in writing, to the Township for testing to be done prior to sale of the property.


13. Perry Township Supervisors may also revise the costs, expenses and fees associated with the inspection, from time to time, by simple Resolution, without need to amend the Ordinance and provide notice to the general public by posting at a Township Supervisors Meeting.

14. Failure to comply with any term or requirement of this particular Ordinance shall result in a Citation being filed before the Local District Judge by the Sewage Enforcement Officer or the authorized officer, to enforce terms and conditions of this Ordinance, including representatives assigned by Perry Township Supervisors. Each day shall constitute a separate and independent violation and shall result in a fine imposed by the Local District Judge in the amount of not less than One Hundred and 00/100 (\$100.00) Dollars per day. All costs incurred in connection with filing the Citation shall be the responsibility of the Property Owner, which costs shall include costs, expenses, expert fees, time fees for the testimony of the Sewage Enforcement Officer, reasonable attorney's fees, and any other expenses incurred, which shall be in addition to the fine to be imposed, all payable by the Property Owner within ten (10) days or, in the alternative, imposition of a sentence of incarceration for a period of ten (10) days for each day that the offense continues. It being understood, that all properties with an on-lot sewage system in Perry Township shall require inspection before being sold.


15. This Ordinance shall be effective within five (5) days after adoption.

THIS ORDINANCE IS ENACTED AND ORDAINED at a regular Meeting of the Board of Supervisors of Perry Township, Fayette County, Pennsylvania, on the 5 day of April, 2016, which Meeting was duly advertised and with all Township Supervisors voting affirmatively in support of the Ordinance.

PERRY TOWNSHIP SUPERVISORS

BY: 

Andrew J. Boni, Chairman

BY: 

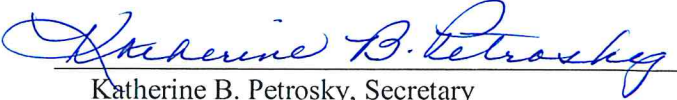
Clarence Johnson, Vice-Chairman

ATTEST:


Katherine B. Petrosky, Secretary/Treasurer

(SEAL)

I hereby certify that the foregoing Ordinance was advertised in the *Herald-Standard* on the 16th day of March, 2016, a newspaper of general circulation in the municipality and was duly enacted and approved as set forth at a regular meeting of the Perry Township Supervisors held on the 5th day of April, 2016.


Katherine B. Petrosky, Secretary

(SEAL)