

East Bethlehem Township
36 Water Street, PO Box 687
Fredericktown PA 15333
724-377-1777

APPLICATION FOR DYE TEST CERTIFICATE OF COMPLIANCE

APPLICATION MUST BE RECEIVED AT LEAST 14 DAYS PRIOR TO CLOSING

Seller/Owner: _____ Application Date: _____
Phone Number _____ Transaction: Sale/Purchase Refinance
Property Address: _____ Buyer: _____
Applicant's Name: _____ Tax Map ID#: _____
Approximate Closing Date: _____ Applicant's Signature: _____

Payment Due: \$150.00
MAKE CHECKS PAYABLE TO EAST BETHLEHEM TWP

RETURN COMPLETED FORM ALONG WITH PAYMENT TO PO BOX 687, FREDERICKTOWN PA 15333

(DO NOT WRITE BELOW THIS LINE- OFFICE USE ONLY)

**DOCUMENT OF CERTIFICATION
TEST RESULTS AND FINDINGS**

Test Performed By: _____ Test Date: _____

This is to certify that all roof drain pipes and area drains located on the above property that are visible have been inspected to determine if any storm or surface water is illegally connected to the Township's sanitary sewer system.

- () No storm and/or surface water drains are connected to the sanitary sewer system.
- () Storm and/or surface water drains are connected to the sanitary sewer system.

Comments: _____

Dye Test: PASS __ FAIL __

Signature

Date of Issuance

EAST BETHLEHEM TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA

ORDINANCE# 2023-2

AN ORDINANCE PROVIDING FOR THE REGULATION OF IMPROPER WATER INFILTRATION INTO THE
**SANITARY SEWER SYSTEMS WITHIN EAST BETHLEHEM TOWNSHIP EFFECTIVE FIVE DAYS FROM
ENACTMENT.**

Section 1. Findings and Purpose. The Pennsylvania Department of Environmental Protection has directed that all municipalities take those steps necessary and property to eliminate improper water infiltration into their sanitary sewer system. In that regard, East Bethlehem Township finds that excessive storm waters and/or surface waters may be illegally routed into the sanitary sewer systems owned and operated by the East Bethlehem Township Municipal Authority, Vestaburg New Hill Joint Sewer Authority and Lower Ten Mile Joint Sewer Authority, owned or jointly owned by the Township, thus requiring increased and unnecessary treatment capacity and activity and thus curtailing the availability of tap-ins and treatment to other users who need sanitary sewage treatment. East Bethlehem Township finds that the procedures, fees and penalties provided for herein are necessary to achieve the purposes of this article.

Section 2. Enforcement. The East Bethlehem Township Board of Commissioners hereby designates K2 Engineering, Inc., or other agency *as* appointed by the Board to administer and enforce, within their jurisdiction, this article.

Section 3. Short title. This article may be known and cited as the "East Bethlehem Township Dye Test Ordinance".

Section 4. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this article shall be as follows:

AUTHORITY- East Bethlehem Township Municipal Authority, Vestaburg New Hill Joint Sewer Authority, Lower Ten Mile Joint Sewer Authority

CODE - East Bethlehem Township Ordinances, as the same may from time to time be amended

DOCUMENT OF CERTIFICATION -An official statement from the Authority stating that there are no illegal storm water or surface water connections into the sanitary sewer connections on the property to be sold which violate any code.

ILLEGAL STORMWATER OR SURFACE WATER CONNECTIONS-The discharge of basement seepage or groundwater or the connection of downspouts, roof drainage or surface or areaway drainage into the sanitary sewer system.

MUNICIPAL LIEN AND PROPERTY TAX VERIFICATION -A written letter from the Township concerning municipal liens and property taxes.

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

TEMPORARY DOCUMENT OF CERTIFICATION -A temporary statement of certification from the Authority issued pursuant to the terms of this article.

TOWNSHIP- East Bethlehem Township

Section 5. Sale of Real Estate without Document of Certification. After the effective date of this article, it shall be unlawful for any person, without first delivering to the purchaser a document of certification or temporary document of certification issued by the Township/Contractor, to sell or purchase real estate situate within the Township and upon which a building or improvement exists.

Section 6. Document of Certification Application. A. Any person selling real estate, as described in this article, that is located within the Township (herein after referred to as "applicant") shall make application on a form furnished by the Township/Contractor at least 21 days before the date of closing of sale. The applicant shall cause to have performed a dye test on the property to be sold. All dye tests shall be performed by an inspector appointed by the Township (herein after referred to as "inspector").

B. The inspection fee shall be in an amount set by resolution of the Township and/or any third party contractor appointed by the Township. The inspection fee shall be paid at the time of making the application referred to in this section.

C. Such inspector shall complete the appropriate portions of the form and certify that the property has been dye tested and shall also certify the results of such test. In the event there are no illegal storm water or surface water connections, the Township/Contractor shall, upon payment of such fee as set by Resolution or third party contractor, issue a document of certification. When an illegal storm water or surface water connection is discovered by means of the above-mentioned dye test, no document of certification will be issued until the illegal connections are removed and certification of such removal by an inspector is received. An additional inspection fee shall be paid by the applicant for each inspection subsequent to the first inspection referred to in this section.

Section 7. Exceptions. A document of certification shall not be required in the following instances:

A. When property is refinanced but no conveyance takes place.

B. When an improvement to real estate has been recently constructed in accordance with a valid building permit and has been inspected by the Township and/or its representative and has not been

formerly occupied. If such property is sold after one year of the date of the certificate of occupancy or the inspections referred to in this subsection, compliance with this article is mandatory.

C. Individual apartment-type units within a single condominium type building may be sold without individual certification, provided that the building in which the units are located has been certified no longer than one year previous to the date of sale of the individual condominium unit.

D. When the real estate is such that tap-in to the sanitary system is not required by law or ordinance.

Section 8. Temporary Document of Certification. A temporary document of certification may be issued by the Township/Contractor, at its sole discretion, when either:

A. The applicant proves that dye testing cannot be performed because of weather conditions. When such is the case, the applicant shall provide the Township with security in such amount as the Township, by resolution, shall establish to guarantee that the dye test will be performed. The applicant will cause to have the dye test performed within 14 days of written notification from the Township, which will be given at such time as weather conditions make the dye test possible. In addition, the applicant shall provide a signed, written acknowledgement from the purchaser agreeing to correct, at purchaser's sole cost and expense, any violations that may be discovered as a result of subsequent dye tests. Nothing in this subsection shall prohibit any purchaser from requiring the applicant to reimburse purchaser for any costs incurred; provided, however, that primary liability shall run with the land, and no such agreement shall affect the Township's enforcement powers or excuse the current owner from compliance with this Code; or

B. When an illegal storm water or surface water connection is 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, applicant may apply to the Township for a temporary document of certification, which may only be issued when the applicant provides the Township with all of the following:

1- , A bona fide executed contract between the applicant and a contractor to complete the necessary remedial work, with the Township listed therein as a third party beneficiary; and

2- Security in the amount of the contract posted with the Township; and

3- A written agreement by the purchaser to be responsible for all cost overruns and extras related to the remedial work. The Township shall determine when such temporary document of certification shall expire. Upon expiration, the security shall be forfeited and the Township may use the security to have the necessary remedial work completed.

Section 9. Municipal Lien and Tax Certification Letters. A request for a municipal lien or tax certification letter must be accompanied by a valid document of certification issued pursuant to this article and the payment of required fees.

Section 10. Adjustment of Fees. The Township may, from time to time, by resolution, change the fees authorized in this article.

Section 11. Conflict with general police powers. Nothing in this article shall limit in any fashion whatsoever the Township's right to enforce its resolutions, ordinances or the laws of the commonwealth. Nothing in this article shall be a defense to any citation issued by any municipal corporation of the commonwealth pursuant to any other law or ordinance.

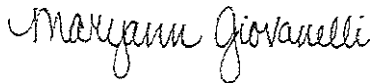
Section 12. Enforcement, violations and penalties. Any person who violates or permits violation of this article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000 (one thousand dollars), plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Whenever any person violating any of the provisions of the article is notified, in writing, by the Township, of such violation, each day or portion thereof a violation occurs or continues to occur shall constitute a separate violation. In addition to and not in lieu of the foregoing, the Township may seek equitable and legal relief to compel compliance with this article.

Section 13. Effective Date. This Ordinance shall be effective five (5) days from the date of enactment.

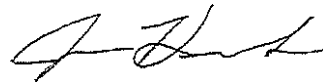
Adopted this 10th day of May, 2023.

East Bethlehem Township Board of Commissioners

ATTEST:



Maryann Giovanelli, Secretary



Jasen Henck, President

The East Bethlehem Township Board of Commissioners, at a meeting on May 10, 2023, is scheduled to adopt an Ordinance providing for the improvement of water infiltration into sanitary sewer systems within East Bethlehem Township by enacting a procedure for Dye Testing. This Ordinance will become effective five days from enactment. Full text of the Ordinance can be reviewed at the East Bethlehem Township Municipal Office, 35 Water Street, Fredericktown PA 15333 during normal business hours. The meeting will be held at the East Bethlehem Township Municipal Authority building, 522 Front Street, Fredericktown PA 15333 at 6:00PM. Maryann Giovalle, Township Secretary