

**TOWNSHIP OF LOWER CHICHESTER
LINWOOD, DELAWARE COUNTY, PENNSYLVANIA
ORDINANCE 2016-01**

**AN ORDINANCE OF THE TOWNSHIP OF LOWER CHICHESTER
TOWNSHIP AMENDING SECTION 1042 OF THE TOWNSHIP CODE OF
LOWER CHICHESTER, TO PROVIDE FOR SEWER LATERAL TESTING
UPON SALE OR TRANSFER, IN ORDER TO COMPLY WITH THE RULES
AND REGULATIONS OF THE DELAWARE COUNTY REGIONAL WATER
QUALITY CONTROL AUTHORITY AND THE PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION, TO ELIMINATE
INFLOW AND INFILTRATION INTO THE SEWER SYSTEM OF LOWER
CHICHESTER TOWNSHIP**

SECTION 1042.8. Lateral testing upon sale or transfer.

A. Whenever any property located in the Township of Lower Chichester is to be transferred to or vested in any other person or entity by deed, instrument or writing, by gift, inheritance or otherwise, and by which any lands are sold, granted, assigned, transferred or otherwise conveyed to, by, or vested in, a purchaser or purchasers thereof, or to any other person or persons, and the property includes any buildings or structures constructed more than 15 years prior to the sale of the property, the sewer lateral(s) to the property shall be tested for infiltration, and all necessary repairs or replacements shall be performed to prevent all infiltration. All testing procedures must be approved by the Township Code Officer, or authorized representative. It is the obligation of either the seller, and or the grantors or purchasers, to make the test prior to obtaining a Certificate of Occupancy.

- (1) For all "Commercial" properties, repairs or replacement work shall be completed and approved by the Township prior to transfer of title.
- (2) For all private residential properties, once the lateral inspection has been completed and evaluated, the resulting required repairs and/or replacement work should be carried out prior to settlement, or there must be an agreement made between the Township Code Officer, or the Township's designee and all interested parties, said document agreeing to the work that must be done, the methodology for satisfactorily completing said repair and/or replacement work, and the completion date for all such repair and/or replacement work.
- (3) The property owner shall retain all agreements and/or inspection documentation, signed by a Township authorized representative as approved, as proof of compliance with this article.

A. Exceptions. This section shall not apply to:

- (1) Condominium or cooperative apartment buildings.

- (2) All buildings where the Township Code Officer, or said Township's authorized representative, determines that testing and/or repairs have been performed to Township standards within the last five years.

SECTION 1042.9. Private sewer lateral testing procedure and requirements.

- A. The property owner or his/her appointed contractor shall obtain a lateral inspection form, in addition to any required plumbing permit, for sewer lateral testing prior to commencing with the testing procedure. The test procedure shall be performed as follows.
- B. Each lateral is to have a two-way cleanout made of material approved by the Township Code Officer, or said Township's authorized representative, located in the Township right-of-way, on private property adjacent to the Township right-of-way, or on a public utility easement inside of the curblin. If one does not exist, an approved cleanout shall be installed prior to performing any testing. Installation of the cleanout, if necessary, shall require a plumbing permit and shall be run to grade and covered/capped by a meter box and lid as approved by the Township Code Officer, or Township's designee. A cleanout located adjacent to (within 30 inches of) the building is required by the Uniform Plumbing Code for any new construction and is required by this article.
- C. Lateral testing shall be accomplished, where applicable, by a closed-circuit video recording, observation and evaluation grading test results using the PACP Condition Grading System Standards and, if appropriate, a water exfiltration test, an air test, or by a smoke test.
 - (1) Closed-circuit video recordings shall be used as the primary testing/inspection method for all laterals that have been in service for 10 years or more, for an initial observation and evaluation grading test conducted according to the standard specifications on record with the Township Code Officer, or Township's designee.
 - (2) A water exfiltration test shall only be appropriate for laterals that are new or exposed and will be conducted according to standard specifications as per the pertinent plumbing codes of the Township of Lower Chichester.
 - (3) Air testing shall only be appropriate for laterals that are new or exposed and will be conducted according to standard specifications as per the pertinent plumbing codes of the Township of Lower Chichester.
 - (4) Smoke testing shall only be appropriate for laterals that are new or exposed and will be conducted according to standard specifications as per the pertinent plumbing codes of the Township of Lower Chichester.

SECTION 1042.10. Failure of test.

- A. Should the lateral fail the test, the lateral shall be either repaired or replaced, and retested. A plumbing permit shall be required in order to perform the necessary repairs or replacement. This process shall continue until the lateral passes the required test. Note: The PACP Condition Grading System Standards are used to evaluate all test results. These documents are on file in the Township Code

Officer's office at the Township Building, 1410 Market Street, Linwood, Pennsylvania 19061. These standards are adopted and or amended by resolution of the Township's Board of Commissioners from time to time.

- B. For the purposes of retesting any system, fees that are in effect for the lateral compliance inspection shall apply for each and every testing event.

SECTION 1042.11. Lateral certification.

Once the lateral has successfully passed the testing procedure, the Township Code Officer, or Township's designee, shall issue the appropriate documentation in the form of a signed certificate of lateral compliance.

SECTION 1042.12. Inspection and certification fees.

Fees associated with this article can be found in the Township's fee and rate schedule, a list of all Township services, penalty, interest, permit fees, and hourly personnel and equipment rates, as adopted by resolution of the Township's Board of Commissioners from time to time.

SECTION 1042.13. Persons authorized to perform work.

- A. Plumbers, licensed by the Township of Lower Chichester, third-party inspection agencies, and certain trained and qualified individuals may be approved to provide lateral piping inspection services to property owners within the said Township by being in compliance with Section 1042.13. B. and C. below.
- B. The qualifications and equipment of any plumber, third-party inspector, or other person(s), having been trained as a piping system tester, shall be evaluated and approved by the Plumbing Inspector of the Township of Lower Chichester prior to providing lateral testing, under Section 1042.13 C.(1) of this article, within the Township of Lower Chichester.
- C. In order to gain approval to provide lateral testing services, under Section 1042.13 C. (1). of this article, the following requirements shall be satisfied:
 - (1) The closed-circuit video equipment system(s) or other technologies to be used for said testing shall be approved by the Township Code Officer;
 - (2) Said equipment must meet or exceed the minimum technical equipment specifications on file with the Township Plumbing Inspector;
 - (3) Video disk image samples shall be provided for evaluation by the Township Code Officer; and
 - (4) The required evaluation fee, found in the Township's fee and rate schedule, has been paid.

SECTION 1042.14. Plumbing elevation.

In all buildings in which there are plumbing fixtures at an elevation too low to permit drainage by gravity from the fixtures to the sewer main, the sewage from the buildings shall be lifted and discharged to the Township's sewer system by pumps or other appropriate wastewater facilities, which shall be the responsibility of the property owner.

SECTION 1042.15. Application of standard specifications.

The Township's standard specifications shall control in any case where they apply, except as follows:

- (1) The standard specifications are in conflict with the provisions of this code, in which case the provisions of this code shall control; and
- (2) For good cause, the Township Code Officer has authorized deviation from the standard specifications. If the action required by the standard specifications in a particular case is unclear, the Township Code Officer shall make the determination.

SECTION 1042.16. Condominiums, co-op apartment buildings and multi-unit apartment complexes.

A. Condominiums, cooperative apartment buildings and multi-unit apartment complexes constructed prior to August 1, 1996, shall be tested as follows:

- (1) Within one year of the final passage of this article, all condominium or cooperative apartment buildings or multi-unit apartment complexes shall be certified. Thereafter, retesting and certification of the lateral(s) shall occur at fifteen year intervals, or at the discretion of the Township Code Officer, or said Township Code Officer's designee.
- (2) Exception. This subsection shall not apply to condominium or cooperative apartment buildings or multi-unit apartment complexes where the Township Code Officer, or Township's designee, determines that testing and replacement of lateral(s) has been performed to Township standards within the last 15 years.
- (3) Testing procedure and requirements. All condominiums and cooperative apartment buildings shall be required to comply with Section 1042.17 of this article.

SECTION 1042.17. Other regulatory considerations.

Plumbing codes and other applicable regulations adopted or amended by the Township of Lower Chichester shall govern the construction of private lateral repair.

SECTION 1042.18. Violations and penalties.

- A. Any person who shall violate any provision of this article shall, upon conviction thereof, in a summary proceeding before a Magisterial District Judge, be sentenced to pay a fine of not more than \$1,000.00, plus costs of prosecution, and in default of payment thereof, shall be committed to the county jail for a period not exceeding 30 days; and each day's continuance of a violation of this article as shall constitute a separate offense.
- B. In addition to, or in lieu of, the remedies set forth above, any violation of this article may result in the issuance of an administrative citation.

SECTION 1042.19. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this article is, for any reason, held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this article.

SECTION 1042.20 Effective Date.

This article shall take effect on April 1, 2016.

ADOPTED by the Board of Commissioners of Lower Chichester Township, Linwood,

Delaware County, Pennsylvania this _____ day of _____ 2016.

TOWNSHIP OF LOWER CHICHESTER

ROCCO GASPARI
PRESIDENT, BOARD OF COMMISSIONERS

ATTEST:
