

ORDINANCE NO. 349

AN ORDINANCE OF THE LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS AMENDING VARIOUS SECTIONS OF PART 4, REINSPECTION CERTIFICATES, OF CHAPTER 185, SEWERS AND SEWAGE DISPOSAL OF THE CODE OF THE TOWNSHIP OF LOWER POTTS GROVE, AS AMENDED, TO MODIFY THE REQUIREMENTS AND REGULATIONS FOR SEWER INSPECTION CERTIFICATES UPON TRANSFER OF REAL PROPERTY.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Lower Pottsgrove Township Board of Commissioners, Montgomery County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

SECTION 1. § 185-51, Existing Properties, of Article X, Procedure Upon Transfer of Property, of Part 4, Reinspection Certificates, of Chapter 185, Sewers and Sewage Disposal, of the Code of the Township of Lower Pottsgrove, as amended, is hereby amended to read as follows:

§ 185-51. Existing Properties.

No existing property shall be occupied by a new owner as a result of a transfer of title, deed or other legal means until a sewer inspection has been completed and a Certificate of Sewer Inspection has been issued by the Township Municipal Authority, or its designee.

SECTION 2. § 185-52, Issuance of Certificates; Fees; Inspections, of Article X, Procedure Upon Transfer of Property, of Part 4, Reinspection Certificates, of Chapter 185, Sewers and Sewage Disposal, of the Code of the Township of Lower Pottsgrove, as amended, is hereby amended to read as follows:

§ 185-52. Issuance of certificates; fees; inspections.

A Sewer Inspection Certificates shall be issued in accordance with the following standards and procedures:

- A. Application. Applications for Sewer Inspection Certificates shall be filed with the Lower Pottsgrove Township by the seller or agent for the buyer of the property no later than 15 business days prior to the settlement and/or transfer of ownership between buyer and seller. Application shall contain such information as the Township Authority may require. Once issued, the Sewer Inspection Certificate shall be valid for 90 days.
- B. Fees. A fee shall be charged for each property inspected (Property Inspection Application Fee). The fee shall be submitted with the Application Form. The fee for each residential dwelling unit shall be Forty Dollars (\$40.00). The fee for each commercial and/or institutional property or unit shall be Fifty-Five Dollars (\$55.00). The fee for each industrial property or unit shall be Sixty Dollars (\$60.00). An additional Twenty Dollar (\$20.00) fee shall be imposed on any Application that is not timely submitted (priority inspection fee). All fees described in this article shall be modified and amended by the Board of Commissioners by formal Resolution.
- C. Inspections Procedure. Upon receipt of a completed Application, the Authority, or its designee, shall make best efforts to conduct an inspection of the property within ten (10) business days to determine compliance with the minimum standards and requirements set forth by the Authority in its adopted Rules and Regulations and by this chapter, Sewers and Sewage Disposal. If the property owner and/or realtor of the property owner fails to appear for any inspection without contacting the Township in advance of the inspection appointment, there shall be an additional Twenty Dollar (\$20.00) fee imposed (non-appearance fee).
- D. Approval. Upon successful inspection of the property, a Sewer Inspection Certificate shall be issued to the Applicant. If, however, during the inspection, a violation is determined, the seller shall be notified in writing of the violation or violations and recommended remedial action for compliance.
- E. Follow-up Inspection. Upon correction of all violations, the Applicant shall notify the Authority or its designee in writing for a follow-up inspection which shall be conducted within five business days from notification. If the violation(s) is addressed in the follow-up inspection, the property is then determined to be in compliance with Township standards, a sewer inspection certificate shall be issued to the seller. If a second and/or any subsequent follow-up inspection is required due to the fact that the Applicant did not comply with the violation report, the seller/applicant shall be charged an additional Twenty Dollars (\$20.00) for each subsequent follow-up inspection (reinspection fee).
- F. Sewer Inspection Certificate. The validity of this certificate is contingent upon compliance with the applicable Township ordinance and it is revocable upon violation of those ordinances. The certificate does not warranty or guarantee on the part of the Authority, Township or any officer, agent or employee of the

soundness, fitness, safety or adequacy of the facilities inspected. The certificate shall not be deemed to give rise to any liability on the part of the Authority, Township or any officer, agent, employee or designee thereof. All such liability and any remedy therefor shall remain that of the builder, owner or transferor of any structure covered hereby.

G. Conditional Certificate. Where due to the condition of any unit or property a sewer inspection is unable to be accomplished, a temporary certificate shall be issued to the seller/Applicant for a period not to exceed 60 days in order to allow a sewer inspection to occur. The failure of the seller/applicant/buyer to timely request reinspection shall be a violation of this article. Where the temporary certificate has expired, the Township shall impose an additional Twenty Dollar (\$20.00) fee upon the Applicant (expired temporary certification fee) prior to any reinspection and issuance of a final/permanent sewer inspection certificate.

H. Sanitary Sewer Billing. No sewer inspection certificate shall become valid and final until the Applicant has satisfied any sanitary sewer rents and/or liens to the Township Authority.

SECTION 3. § 185-54, Violations and Penalties, of Article X, Procedure Upon Transfer of Property, of Part 4, Reinspection Certificates, of Chapter 185, Sewers and Sewage Disposal, of the Code of the Township of Lower Pottsgrove, as amended, is hereby amended to read as follows:

§ 185-54. Violations and Penalties.

Any person, seller, realtor or other person responsible to notify the Township Authority or its designee who fails to secure a valid sewer inspection certificate as required by this part or otherwise, violates any portion of this part/article shall be guilty of a summary offense and upon conviction thereof by a Magisterial District Justice be sentenced to pay a fine of not less than Three Hundred Dollars (\$300.00) or more than One Thousand Dollars (\$1,000.0) plus costs. Each day that a violation continues shall be deemed a separate offense.

SECTION 4. Re-Enactment.

SECTION 5. Effective Date.

ENACTED AND ORDAINED this 21st day of MAY, 2020.

LOWER POTTS GROVE TOWNSHIP
BOARD OF COMMISSIONERS

BY: Bruce L. Foltz
Bruce L. Foltz, President

ATTEST: Kathryn Vlahos
Kathryn Vlahos, Secretary