

## Chapter 280

### STORMWATER MANAGEMENT

**[HISTORY: Adopted by the Borough Council of the Borough of East Vandergrift as indicated in article histories. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Building construction — See Ch. 125.  
Floodplain management — See Ch. 170.  
Sewers and sewage disposal — See Ch. 250.  
Streets and sidewalks — See Ch. 288.

#### ARTICLE I

### **Discharge to Sanitary Sewers Prohibited [Adopted 4-14-2014 by Ord. No. 4-2014]**

#### **§ 280-1. Legislative findings.**

The Council of East Vandergrift Borough finds as follows:

- A. The Laws of Westmoreland County and the Commonwealth of Pennsylvania prohibit the direction of stormwater into sanitary sewers.
- B. The Borough has authority to adopt an ordinance to prohibit the direction or discharge of stormwater into the sanitary sewers of the Borough pursuant to the Borough Code, 8 Pa.C.S.A. § 101 et seq., and the Pennsylvania Clean Streams Law, 35 P.S. § 691.1 et seq.<sup>1</sup>
- C. The Borough of East Vandergrift desires to comply with the laws of Westmoreland County and the Commonwealth of Pennsylvania, and to meet the conditions of its sewerage permits by eliminating stormwater and surface water from entering into the sanitary sewer systems of the Borough.
- D. The Borough of East Vandergrift desires to establish certain regulations prohibiting the direction of stormwater into sanitary sewer lines and to require, upon notice, that property owners connect stormwater drains and runoff into storm sewers, where available, and to require certification of compliance with all rules and regulations of the Borough and the Kiski Valley Water Pollution Control Authority prior to the sale or financing of real estate.

#### **§ 280-2. Unlawful discharges; responsibility of property owners.**

It shall be unlawful for any person whose premises are connected to the Kiski Valley Water Pollution Control Authority sanitary sewer system to permit, allow or cause to enter into such sanitary sewer system any groundwater, stormwater or surface water or any sewage from any property other than that for which a permit has been issued, or any gasoline or other inflammable liquid, or any other substance, liquid, gas or solid, which is prohibited by the terms of any other rule, regulation or ordinance adopted by East Vandergrift Borough (hereinafter "Borough") or the

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Kiski Valley Water Pollution Control Authority (hereinafter "Authority") for the operation of the sanitary sewer system. All owners of property within the Borough of and all owners of property adjoining the Borough, who, by contract or otherwise, have their premises served by the Authority sanitary sewer systems, are hereby directed, after 30 days' prior notice, to cease and desist from permitting, allowing or causing to enter into the sanitary sewer system any groundwater, stormwater or surface water or any sewage from any property other than that for which a permit has been issued, or any gasoline or other inflammable liquid, or any other substance, liquid, gas or solid which is prohibited by the terms of any other rule, regulation or ordinance adopted by the Borough or the Authority for the operation of the sanitary sewer system. Such unlawful drainage or discharge includes, but is not limited to, the drainage or discharge into the sanitary sewer system, as described herein, by means of downspouts, roof drainage, surface area drainage, or foundation or basement drainage. It shall also be unlawful for any person to connect to the Authority sanitary sewer system without first fully complying with the rules, regulations and/or ordinances of the Borough and the Authority and obtaining any permit required thereof.

**§ 280-3. Separate sewer for rain and surface water.**

Upon notice as hereinafter provided by § 280-2 of this article, all owners of property on any streets, lanes or alleys under which the Borough has, now or hereinafter, given approval to construct and/or has constructed surface or stormwater sewers, shall promptly provide and construct, at their own expenses, a separate sewer line to carry off from their buildings and premises all rain and surface water by connecting said sewer line for their premises with the said surface or stormwater sewer under any street, lane or alley upon which their properties abut, or to provide a plan for such other method to be approved by the Borough Engineer which will prevent the drainage of such water from their premises from entering into the sanitary sewer system of the Borough or onto any neighboring property. It is further the obligation of all persons and/or property owners whose premises are equipped with view ports or other similar devices allowing inspection of any connection to the sanitary sewer system to inspect and maintain said view ports or other devices so that they are operational and also usable by the Borough or the Authority or their agents or employees.

**§ 280-4. Notice to connect with surface water sewer.**

Whenever, in the opinion of the Council of East Vandergrift Borough, it may be necessary or advisable to have all premises upon a public street or portion thereafter containing a surface or stormwater sewer to make connections thereto, due notice to make and complete such connection within 30 days shall be served upon the owners of all said premises, or if the owner is a nonresident and cannot be personally served, then said notice shall be served upon the owner by giving said written notice to occupants of such premises if the same shall contain buildings, and additional written notice shall also be sent to the owner by certified mail, or, if the said premises are unimproved by buildings, said notice shall be served on the agent of the owner and notice shall also be sent to the owner by certified mail.

**§ 280-5. Property on streets without surface sewers or stormwater sewers.**

The owners of all properties abutting on streets, lanes and alleys where no storm sewers have been installed shall, upon 30 days' notice from the Borough, provide at their expense:

- A. For draining all surfaces and stormwater from their premises to the public streets adjacent to their properties where catch basins connected with the Borough storm sewers are available at the corners of such streets where the storm drainage from their properties will drain to such catch basins; and
- B. By providing such other methods to be approved by the Borough which will prevent the drainage of such water from their premises from entering into the sanitary sewer system of the Borough.

**§ 280-6. Enforcement authority.**

The Borough Council does hereby appoint the Code Enforcement Officer as the enforcement officer under this article with full authority to give notices required under this article and to approve the methods which shall be used by the property owners to comply with the provision of this article.

**§ 280-7. Testing of sanitary sewers to monitor compliance.**

- A. The Borough Council shall authorize the Code Enforcement Officer to perform or to employ, on behalf of the Borough Council, a company or companies to perform, from time to time, dye, smoke or air testing of the sanitary sewer system, or any connections thereto, to monitor compliance with this article, said smoke test to involve the use of nontoxic, nonstaining smoke which is forced through the sanitary sewer system by the use of air blowers. The Borough may also perform, use and rely on the results of any internal televising of the main sewer system to monitor compliance with this article. All of the above testing may include, but is not necessarily limited to, the following:
  - (1) Dye testing at each downspout and area drain;
  - (2) Dye testing foundation drains by flooding or injection;
  - (3) Smoke testing public sewer and sewer lateral to the house trap;
  - (4) Air testing the lateral;
  - (5) Hydrostatic testing the lateral;
  - (6) Televising of main sewer and/or lateral sewer during periods of saturated ground and/or precipitation;
  - (7) Additional testing as may be necessary if the original testing is inconclusive.
- B. The sewage system may be retested after any corrective action has been taken to demonstrate that the illegal connection/defect has been eliminated/repaired.

**§ 280-8. Service of notice.**

The 30 days' notice required to be given hereunder shall be given by letter to the owners of the premises, or served upon the owner, or if the owner is a nonresident, such notice shall be given to the occupant of the premises or the owner's agent, and, in addition, a notice by certified mail shall be sent to the owner.

**§ 280-9. Certification of compliance upon sale or mortgage.**

After the effective date of this article, it shall be unlawful for any person to sell, finance or refinance a mortgage on real estate within the Borough of East Vandergrift on which a building or improvement exists without first delivering unto the purchaser a document of certification or temporary document of certification from proper officers of the East Vandergrift Borough.

**§ 280-10. Document of certification application.**

Any person selling real estate located within the Borough of East Vandergrift (hereinafter "applicant") shall make application on a form furnished by the Borough at least seven days prior to the date of sale. The applicant shall then have a plumber perform dye test, smoke test or air test of the sewer drainage system on the property to be sold (at their own cost), said smoke test to involve the use of nontoxic, nonstaining smoke, which is forced through the sewer system by the use of air blowers. The plumber shall notify the Borough at least two working days before the test is made so that the Borough may witness the test. The Borough shall also have the right to approve the test as performed and/or to require that additional tests be made. The plumber shall complete the appropriate portions of the form and certify that the property has been dye tested, smoke tested or air tested and certify the results of such test. The plumber shall also certify that the sewer drainage system on the property complies with all other rules and regulations of the Borough, including those rules and regulations applicable to grease, oil and sand traps/interceptors. In the event that there are no illegal stormwater or surface water connections and the existing drainage system is sound and in compliance with all rules and regulations of the Borough, the Borough shall issue a document of certification upon the payment of any established fee. When an illegal stormwater or surface water connection, malfunctioning drainage system or any other noncompliance with the rules and regulations of the Borough is discovered by the means of the above-mentioned testing, no document of certification will be issued until the illegal connections/malfunctioning drainage system are removed/repared, the system retested and certification of such removal/repair by a plumber is received.

**§ 280-11. Temporary document of certification.**

A temporary document of certification may be issued at the Borough's sole discretion when:

- A. The applicant proves that such testing cannot be performed because of weather conditions, and, when such is the case, the applicant shall provide the Borough with security in the amount of \$1,000 to guarantee that the appropriate test will be performed. The applicant will cause to have performed the appropriate test within 14 days of subsequent written notification from the Borough which will be given at such time as weather conditions make such testing possible. In addition, the applicant shall provide a signed written acknowledgment from the purchaser of the real estate agreeing to correct, at the said purchaser's sole expense, any violations and defects that may be discovered as the result of subsequent tests. Nothing in this subsection shall prohibit any purchaser from requiring the applicant to reimburse the purchaser for any costs incurred; provided, nevertheless, that primary liability shall run with the land and no such agreement shall affect the Borough's enforcement powers or excuse the current owner from performance.
- B. When an illegal stormwater or surface water connection and/or malfunctioning or noncompliance drainage system has been discovered and the necessary remedial activities to correct such correction would require a length of time such as to create a practical

hardship for the applicant, the applicant may apply to the Borough for a temporary document of certification which may only be issued when the applicant provides the Borough with all of the following:

- (1) A bona fide executed contract between the applicant and a plumber to complete the necessary remedial work with the Borough listed therein as a third-party beneficiary;
- (2) Cash security in the amount of said contract as posted with the Borough; and
- (3) An agreement by the purchaser to be responsible for all cost overruns related to the remedial work, together with a license to the Borough to enter upon the property to complete work in case of default by the contractor. The Borough shall determine when such temporary document of certification shall expire, at which time the security shall be forfeited and the Borough may use the security to have the necessary remedial work completed.

**§ 280-12. Power to enact rules and regulations.**

- A. The Borough is hereby authorized, empowered and directed to make reasonable rules and regulations for the operation and enforcement of this article as it deems necessary, which shall include, but not be limited to:
  - (1) Establishing acceptable forms of security or guarantees;
  - (2) Acceptable testing methods;
  - (3) Establishing the forms of applications, application fees, purchaser acknowledgments and plumber certificates;
  - (4) Limiting the times of year in which temporary documents of certification are available for reasons of weather.
- B. All rules and regulations issued pursuant to this section shall be in writing and be approved by the Council prior to such rules and regulations being effective.

**§ 280-13. Violations and penalties.** <sup>2</sup>

If any owner of any premises violates the provisions of this article, and/or refuses or neglects to comply with the provisions of this article, he shall, upon conviction in a summary proceeding 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, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Westmoreland County.

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2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).