



Ordinance No. 3
City of Pittsburgh
Text File

510 City-County Building
414 Grant Street
Pittsburgh, PA 15219

Introduced: 3/14/2006
Committee: Finance & Budget Committee

Bill No: 2006-0
Status: Passed Finally

Presented by Mr. Shields

Ordinance Supplementing the Pittsburgh Code, Title Four: Public Places and Property, Article III: Sewers, by adding a new Chapter 433: Illegal Storm Water Connections, requiring disconnection of illegal surface storm water connections to city sanitary sewers; establishing provisions for dye testing to determine if storm or surface water is entering the sanitary sewer system; requiring evidence of compliance as a condition precedent to the issuance of city lien verification letters and authorizing the setting of fees for the implementation and operation of review process and issuance of city lien verification letters; requiring evidence of compliance upon the sale of real property; granting authority to the Pittsburgh Water and Sewer Authority to enforce this ordinance:

WHEREAS, the City of Pittsburgh ("City") and the Pittsburgh Water and Sewer Authority ("PWSA") entered into a Consent Order and Agreement with the Pennsylvania Department of Environmental Protection ("DEP") and the Allegheny County Health Department ("ACHD") on or about January 29, 2004 ("Order"); and

WHEREAS, Section 210 of the Clean Streams Law, 35 P.S. § 691.210, requires a municipality to diligently comply with any Order issued pursuant to Section 203 of the Clean Streams Law; and

WHEREAS, the Order mandates, among other things, that the City promulgate an ordinance regarding the dye testing of surface storm water connections to certain portions of the City Sewer System that are designed as Sanitary Sewers, the entire Sewer System being owned by the City and leased and operated by PWSA pursuant to the Capital Lease Agreement entered into by the City and PWSA, effective July 27, 1995; and

WHEREAS, the aforesaid Order specifically requires in Paragraph 7 thereof that:

- a. By May 31, 2007, the [City] and [PWSA] shall for their sanitary sewer system:
- (i) Complete dye testing or other testing methods (excluding the use of smoke testing to detect roof leaders) of all structures to determine the sources of surface stormwater such as roof leaders, yard drains, and driveway drains, excepting any portion of the sanitary sewer system constructed or reconstructed since January 1, 1995, with records of dye testing conducted in accordance with this Paragraph.
- d. By November 1, 2004, the [City] and [PWSA] shall:
- (i) institute and enforce an ordinance or regulation prohibiting connections of surface stormwater to their sanitary sewer system; and
 - (ii) institute and enforce a sewer use ordinance or regulation which requires at the time of all property sales within the City of Pittsburgh, a visual inspection and dye test of items referenced in this Paragraph to identify illegal connections. The ordinance or regulation shall require the removal of the illegal connections prior to the sale of the property.
- e. (i) By November 30, 2007, the [City] and [PWSA] shall require corrective actions to ensure the

removal of 95% of the number of illegal connections of sources of surface stormwater identified in this Paragraph or be diligently prosecuting the responsible party(ies) in a legal or equitable action for the removal of said sources from their sanitary sewer system; and

WHEREAS, illegal surface storm water connections to sanitary sewer systems are a leading contributor to sewage basement backups, sanitary sewer overflows and create a public health nuisance; and

WHEREAS, the City has determined it is reasonable and necessary to reduce the inflow of surface storm water into the sanitary sewer system; and

WHEREAS, the City has determined that it is reasonable and necessary to establish a compliance program effective upon the sale of any real estate located within the City; and

WHEREAS, the City has determined that such regulations as adopted herein are reasonable and necessary for the health, safety, and welfare of the City's residents; and

WHEREAS, the City has determined that enforcement of this Ordinance by PWSA is in accordance with the purposes of PWSA in constructing, improving, maintaining and operating the City sewer system; and

WHEREAS, the City has determined that enforcement of this Ordinance by PWSA is in accordance with the purposes of the ACHD's and the DEP's mandate to the City and to PWSA to institute and enforce inspection of, dye-testing, and prohibition of, Illegal Surface Storm Water Connections;

Ordinance No. 20 of 2007

Presented by Mr. Koch

Ordinance Amending and Supplementing Title Four, Public Places and Property, Article III, Sewers, Chapter 433, Illegal Storm Water Connections, in order to include federal and state-mandated prohibitions regarding the drainage or conveyance, whether on the surface or subsurface, of non-storm water discharge from real property including sewage, process wastewater, and wash water into the Waters of the Commonwealth, and to add a definition of "Sale" exempting sales of real property pursuant to the Second Class City Treasurer's Sale and Collection Act, 53 P.S. § 27101 et seq., as amended, from the requirements of the ordinance with regard to sales of real property, **and to remove the prohibition against discharging from the Illegal Surface Storm Water Connection upon or across public or private sidewalks in conformance with the Allegheny County Health Department's Rules and Regulations for Plumbing and Building Drainage, Article XV.**

WHEREAS, a comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated runoff, is fundamental to the public health, safety and welfare and the protection of people of the Commonwealth, the City, their resources and the environment; and

WHEREAS, federal and state regulations require certain municipalities and authorities including the City and the Pittsburgh Water and Sewer Authority to implement a program of stormwater controls and to obtain a permit for storm water discharges from its separate storm sewer systems under the National Pollutant Discharge Elimination System ("NPDES"); and

WHEREAS, procedures for sales of real property by the City are governed by the Second Class City Treasurer's Sale and Collection Act of October 11, 1984, No. 171, P.L. 876, § 101, 53 P.S. § 27101 et seq., as amended,

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. The Pittsburgh Code is hereby supplemented by adding the following Chapter:

CHAPTER 433: ILLEGAL SURFACE STORMWATER CONNECTIONS

§ 433.01 Definitions.

§ 433.02 Prohibitions.

§ 433.03 Disconnection of illegal surface stormwater connections.

§ 433.04 Sale of real property.

§ 433.05 Temporary evidence of compliance.

§ 433.06 Rejection of application.

§ 433.07 City lien verification letter.

§ 433.08 PWSA resolutions.

§ 433.09 Access and inspection.

§ 433.10 Penalties.

§ 433.11 Notice of violation.

§ 433.12 Notice of appeal of notice of violation.

§ 433.13 Enforcement measures after appeal.

§ 433.14 Public nuisance.

§ 433.15 Injunctive and other relief.

§ 433.16 Cumulative remedies.

§ 433.17 Public information.

§ 433.18 Effective date

§ 433.01 DEFINITIONS.

When used herein, the following words shall have the following meanings:

- a. **ACHD:** The Allegheny County Health Department.
- b. **APPLICANT:** Defined in Section 4.a. below.
- c. **CITY:** The City of Pittsburgh.
- d. **CITY LIEN VERIFICATION LETTER:** A written letter from the City to a Person (defined below) regarding any liens, claims, and/or taxes due the City from said Person.
- e. **COMBINED SEWERS:** Portions of the Sewer System which were designed and built to carry sanitary sewage and/or industrial waste in a manner combined with stormwater discharge.
- f. **DYE TEST:** Any commonly accepted plumbing test whereby a nontoxic, nonstaining dye is introduced into the surface stormwater collection system of real property to determine if any surface stormwater is entering the City's Sanitary Sewer System. The term "Dye Test" shall include any other reasonable and appropriate testing methodology(ies) (excluding the use of smoke testing to detect roof leaders) acceptable to PWSA to determine if any surface stormwater is entering the City's Sanitary Sewer System.
- g. **EVIDENCE OF COMPLIANCE:** An official written letter or statement from PWSA confirming that it has on file a written report or statement from a Registered Plumber

(defined below) certifying there are no Illegal Surface Stormwater Connections into the City's Sanitary Sewer System located on a property.

h. **ILLEGAL SURFACE STORMWATER CONNECTIONS:** Connections to the City's Sanitary Sewers that allow surface stormwater to be discharged into the City's Sanitary Sewer System from sources including, but not limited to, downspout drainage, roof drainage, and areaway drainage.

i. **PERSON:** Any natural person, partnership, association, authority, syndicate, firm, corporation, developer, contractor, government, or other entity recognized by law as the subject of rights and duties.

j. **PWSA:** The Pittsburgh Water and Sewer Authority, its agents, consultants, contractors, or other designated representatives authorized to act on its behalf.

k. **REGISTERED PLUMBER:** A plumber registered and certified by the Allegheny County Health Department.

l. **SALE:** Any sale of real property except sales of real property by the City of Pittsburgh, including, but not limited to, sales authorized pursuant to the provisions of the Second Class City Treasurer's Sale and Collection Act, Act of October 11, 1984,

P.L. 876, No. 171, § 101, as amended, 53 P.S. Section 27101, et seq.

m. **SANITARY SEWERS:** Portions of the Sewer System which were designed and built to carry sanitary sewage and/or industrial waste separately from storm water discharge, or portions of the Sewer System so designated as a Sanitary Sewer by resolution of PWSA.

n. **SEWER SYSTEM:** The entire Sewer System that is owned by the City and leased and operated by the PWSA pursuant to the Capital Lease Agreement entered into by the City and the PWSA, effective July 27, 1995. The Sewer System includes portions that have been designed as Combined Sewers and portions that have been designed as Sanitary Sewers.

o. **STORM SEWER SYSTEM:** A sewer system designed to accept and transport flows of stormwater, as distinct from sewage.

p. **STORMWATER:** Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

q. **TEMPORARY EVIDENCE OF COMPLIANCE:** A temporary written report/ statement from PWSA issued pursuant to Section 5 of this ordinance.

r. **WATERS OF THE COMMONWEALTH:** Rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth of Pennsylvania.

(Ord. No. 3-2006, § 1, eff. 4-12-06; Ord. 20-2007, § 1, eff. 11-19-07)

§ 433.02 PROHIBITIONS.

(a) From and after the effective date of this Chapter, it shall be unlawful for any Person to construct, install, maintain, repair, operate, use, or allow an Illegal Surface Stormwater Connection on real estate that they own. This prohibition expressly includes, without limitation, Illegal Surface Stormwater Connections made prior to the effective date of this Chapter, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(b) From and after the effective date of this Chapter, it shall be unlawful for any Person to sell real property located within the City on which a building or improvement exists without first obtaining and delivering to the purchaser an Evidence of Compliance or Temporary Evidence of Compliance from PWSA as required under this Chapter.

(c) From and after the effective date of this Chapter, it shall be unlawful for any Person to connect any drain or conveyance, whether on the surface or subsurface, which allows any non-storm water discharge including sewage, process wastewater, and wash water to enter the Storm Sewer System. This prohibition expressly includes, without limitation, connections made prior to the effective date of this Chapter, regardless of whether the connection was permissible under law or

practices applicable or prevailing at the time of connection.

(d) From and after the effective date of this Chapter, it shall be unlawful for any Person to allow, or cause to allow, stormwater discharges into the Storm Sewer System which are not composed entirely of stormwater, except (1) as provided in subsection (e) below, and (2) discharges allowed under a state or federal permit.

(e) Discharges which may be allowed to enter the Storm Sewer System if they do not significantly contribute to pollution to the Waters of this Commonwealth are:

TABLE INSET:

-Discharges from fire fighting activities	-Flows from riparian habitats and wetlands
-Potable water sources including dechlorinated water line and fire hydrant flushings	-Uncontaminated water from foundations or from footing drains
-Irrigation drainage	-Lawn watering
-Air conditioning condensate	-Dechlorinated swimming pool discharges
-Springs	-Uncontaminated groundwater
-Water from crawl space pumps	-Water from individual residential car washing
-Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used	-Routine external building wash down (which does not use detergents or other compounds)

(f) In the event that the City or PWSA or DEP determines that any of the discharges identified in section (e) significantly contribute to pollution of the Waters of this Commonwealth, the City or PWSA or DEP will notify the responsible person(s) to cease the discharge.

(Ord. No. 3-2006, § 1, eff. 4-12-06; Ord. 20-2007, § 2, eff. 11-19-07)

§ 433.03 DISCONNECTION OF ILLEGAL STORMWATER CONNECTIONS.

Illegal Surface Storm Water Connections must be disconnected from the City's Sanitary Sewers and redirected, as appropriate, to either a separate Storm Sewer System, or other appropriate legal place. If there is no storm or combined sewer available, the Illegal Surface Storm Water Connection shall be redirected in accordance with Article XV, Plumbing and Building Drainage, of ACHD's Rules and Regulations, or any regulations PWSA may establish from time to time. Disconnection shall mean that the Illegal Surface Storm Water Connection is disconnected and removed from the City's Sanitary Sewers, and that access to the Sanitary Sewers at that location shall be permanently capped and sealed. The disconnection of the Illegal Surface Storm Water Connection shall be certified by a Registered Plumber on a form approved by PWSA. Connection of the Illegal Surface Storm Water Connection to the City's separate Storm Sewer System is subject to the prior approval

of PWSA. Prior to the commencement of any work on the disconnection of an Illegal Surface Storm Water Connection, all necessary and required building permits, street opening permits, sidewalk opening permits, tap-in permits and fees and other approvals and permits that may be necessary to accomplish the disconnection shall be acquired.

(Ord. No. 3-2006, § 1, eff. 4-12-06; Ord. 20-2007, § 3, eff. 11-19-07)

§ 433.04 SALES OF REAL PROPERTY.

(a) Any Person selling real property located within the City, hereinafter termed the Applicant, shall apply to PWSA for an Evidence of Compliance on a PWSA-approved form at least fourteen (14) days prior to the date of closing and pay such fee as PWSA may establish from time to time. Prior to the submission of such form, any such Applicant, whose real property is located in a portion of the Sewer System served by Sanitary Sewers, shall have a Dye Test performed by a Registered Plumber at the Applicant's expense on the real property to be sold. Upon completion of the Dye Test, the Registered Plumber hired by the Applicant shall then complete the appropriate section of PWSA-approved form confirming that the property has been Dye Tested and certifying the results of such test. In the event the Registered Plumber certifies that there are no Illegal Surface Stormwater Connections on the real property to be sold, PWSA shall issue the Evidence of Compliance within seven

(7) days of PWSA's receipt of the properly completed form. If the Dye Test reveals the existence of an Illegal Surface Stormwater Connection, the Registered Plumber shall certify that there are Illegal Surface Stormwater Connections on the real property, and the form shall be submitted by the Applicant to PWSA. PWSA shall not issue the Evidence of Compliance until the Illegal Surface Stormwater Connection has been disconnected and removed as required by Section 3 above, and the correction of the Illegal Surface Stormwater Connection has been certified by a Registered Plumber. PWSA shall issue the Evidence of Compliance within seven (7) days of PWSA's receipt of the properly completed form describing the disconnection and removal of the Illegal Surface Stormwater Connection and the certification of the correction by the Registered Plumber, or upon verification that the Applicant's real property is not located in a portion of the Sewer System served by Sanitary Sewers.

(b) This Chapter shall apply to any sale of real property.

(c) Valid Evidence of Compliance shall expire three (3) years following the date of issuance of the Evidence of Compliance. If any additions are made to the property within the three (3) year period, certification that the addition has no Illegal Stormwater Connections shall be provided by a Registered Plumber.

(Ord. No. 3-2006, § 1, eff. 4-12-06)

§ 433.05 TEMPORARY EVIDENCE OF COMPLIANCE.

In the event an Illegal Surface Stormwater Connection is discovered pursuant to Section 4, and the necessary remedial correction of the condition would require a length of time to perform such that it would create an undue hardship on the Applicant to perform the same prior to the date of closing on the sale of the property, the Applicant may apply to PWSA for Temporary Evidence of Compliance on a PWSA-approved form and pay such fee as PWSA may establish from time to time, provided there is strict compliance with all the following conditions:

PWSA is provided with a bona fide, executed contract between the Applicant and a Registered

Plumber requiring the Registered Plumber to complete the necessary remedial work to correct and/or disconnect and remove the Illegal Surface Stormwater Connection, and granting PWSA the right and power to enforce the contract as a third-party beneficiary;

Cash security in the amount of one hundred twenty (120) percent of the price of the contract described in Section 5.1. above is deposited with PWSA, to be held by PWSA in a non-interest bearing account. Cash security shall be limited to cash, certified checks and treasurer's checks, provided that a Temporary Evidence of Compliance may be issued with the condition that, at closing, a cash security in the amount of one hundred twenty (120) percent of the price of the contract as described in Section 5.1 shall be collected by the closing agent for and on behalf of PWSA.

A written acknowledgment and notarized agreement under which the purchaser agrees to be responsible for all cost overruns related to the remedial work together with a grant to PWSA of a license to enter upon the property to complete the work at the expense and cost of the purchaser should the contractor or the Applicant default on the agreement. PWSA may establish a reasonable period of time for the said corrective work to be completed, taking into consideration the extent of the work required, and the conditions then existing. The temporary Evidence of Compliance shall be effective for no more than sixty (60) days, and the expiration date of the Temporary Evidence shall be noted thereon. If, upon expiration of the Temporary Evidence of Compliance, all remedial work has not been completed and Evidence of Compliance has not been issued, the cash security deposited with PWSA shall be forfeited and PWSA may use such security to have the required remedial work completed. Any cost overrun exceeding the cash security posted with PWSA shall remain the sole and exclusive liability of the purchaser and constitute a recordable lien against the real estate.

In the event the required remedial work necessitated by the sale of real property is not practical due to the absence of available remedies, and where the PWSA has adopted a plan of corrective action applicable to the Sanitary Sewers serving such real property, then the Temporary Evidence of Compliance shall be extended until the time of the planned remedial work. In such event, the PWSA shall set security in the amount of one hundred twenty (120) percent of the price of the Applicant's anticipated pro-rata cost of the anticipated corrective action.

(Ord. No. 3-2006, § 1, eff. 4-12-06)

§ 433.06 REJECTION OF APPLICATION.

PWSA may reject an application for Evidence of Compliance or for Temporary Evidence of Compliance whenever the requirements of this Chapter have not been met. In the event of such a rejection, the Applicant may, within thirty (30) days of the rejection, file an appeal as set forth in the PWSA regulations governing the removal of illegal stormwater connections.

(Ord. No. 3-2006, § 1, eff. 4-12-06)

§ 433.07 CITY LIEN VERIFICATION LETTER.

A request to the City for a City Lien Verification Letter must be accompanied by a valid Evidence of Compliance Certificate and/or a valid Temporary Evidence of Compliance certificate. The City may by regulation establish the fee for such Letter.

(Ord. No. 3-2006, § 1, eff. 4-12-06)

§ 433.08 AUTHORITY RESOLUTIONS.

PWSA may, by Resolution, adopt any or all of the following in order to accomplish the purposes of the Order and this Chapter:

- (a) Establish the application form, the purchaser acknowledgement form, the Registered Plumber's certificate forms, and the form of the Evidence of Compliance certificate and Temporary Evidence of Compliance, and the fee(s) for issuance of the same.
- (b) Establish the procedures and guidelines for the retention, release, and/or payment of any security fund held by PWSA under and pursuant to Section 5.2. above.
- (c) Establish which portions of the Sewer System the City and PWSA own and operate are served by Sanitary Sewers.
- (d) Establish and promulgate any other forms, fees, procedures, regulations and/or guidelines necessary to implement and effectuate the objectives and purposes of the Order and this Chapter.

(Ord. No. 3-2006, § 1, eff. 4-12-06)

§ 433.09 ACCESS AND INSPECTION.

PWSA shall be permitted as necessary to enter and inspect real properties at reasonable times to perform Dye Testing and related inspections to determine compliance with this Chapter.

- (a) If a property has security measures in force which require proper identification and clearance before entry into its premises, upon reasonable notice by PWSA, the owner or possessor shall make the necessary arrangements to allow access by representatives of PWSA.
- (b) The owner and/or possessor of the property shall allow PWSA reasonable access to all parts of a property necessary to the Dye Testing and related inspections of the property. PWSA shall have the right to set up on any property such devices as are necessary in the opinion of PWSA to conduct Dye Testing and related inspections of the property.
- (c) Any temporary or permanent obstruction to safe and easy access to the property to be Dye Tested, or on which related inspections shall be performed, shall be promptly removed by the owner of the property at the written or oral request of PWSA and shall not be replaced until such Dye Testing is completed and/or any violations of this Chapter are corrected and such corrections are certified by a Registered Plumber. The costs of clearing such access shall be borne by the property owner.
- (d) PWSA may provide reasonable notice of the Dye Testing and related inspections of a property or properties through written notice or publication. However, except as provided in Section 9.a., PWSA is not required to provide such notice prior to performing Dye Testing or related inspections on a property. Unreasonable delays in allowing PWSA access to a property is a violation

of this Chapter.

(e) If PWSA has been refused access to any part of a property on which an Illegal Surface Stormwater Connection is suspected, and PWSA is able to demonstrate probable cause to believe that there may be a violation of this Chapter, or that there is a need to Dye Test, inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Chapter or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then PWSA may seek issuance of a search warrant from any court of competent jurisdiction.

(Ord. No. 3-2006, § 1, eff. 4-12-06)

§ 433.10 PENALTIES.

Any Person violating any provision of this Chapter shall, upon conviction thereof, be subject to a penalty up to the maximum amount provided by Section 101.09 of the Pittsburgh Code of Ordinances. Every calendar day after the Person has received written notice of any violation of this Chapter, and on which the violation continues, shall constitute a separate violation of this Chapter and the Person shall be subject to pay the fine specified in Section 101.09 for each day the property remains in violation.

(Ord. No. 3-2006, § 1, eff. 4-12-06)

§ 433.11 NOTICE OF VIOLATION.

Whenever PWSA finds that a violation of this Chapter has occurred, PWSA may order compliance by written notice of violation sent to the owner and/or possessor of the property, at the address of the property or at such other address for the owner and/or possessor as maintained in City or County of Allegheny records.

- (a) The notice of violation shall contain:
 - (1) The name and address of the alleged violator;
 - (2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
 - (3) A statement specifying the nature of the violation;
 - (4) A description of the remedial measures necessary to restore compliance with this Chapter and a time schedule for the completion of such remedial action;
 - (5) A statement of the penalty or penalties that shall or may be assessed against the Person to whom the notice of violation is directed; and
 - (6) A statement that the determination of violation may be appealed to the Pittsburgh Municipal Court by filing a written notice of appeal within thirty (30) days of service of notice of violation.
- (b) Such notice of violation may require without limitation:
 - (1) The performance of Dye Testing, monitoring, analyses, and reporting;
 - (2) The elimination, disconnection, and removal of the Illegal Surface Stormwater Connection in accordance with Section 433.03, above; and
 - (3) That the person whose discharges, practices, or operations are in violation of this Chapter shall cease and desist from such violation(s).

(Ord. No. 3-2006, § 1, eff. 4-12-06)

§ 433.12 APPEAL OF NOTICE OF VIOLATION.

Any person receiving a Notice of Violation may appeal the determination of violation made by PWSA. The notice of appeal must be filed with the Pittsburgh Municipal Court within thirty (30) days from the date of the Notice of Violation.

(Ord. No. 3-2006, § 1, eff. 4-12-06)

§ 433.13 ENFORCEMENT MEASURES AFTER APPEAL.

(a) If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within thirty (30) days after the decision of the Municipal Court upholding the determination of violation made by PWSA, PWSA then may enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation, disconnect and remove the Illegal Surface Stormwater Connection, and/or restore the property. It shall be unlawful for any Person, owner, agent, or occupier in possession of any premises to refuse to allow PWSA to enter upon the premises for the purposes set forth above. The costs of the measures taken by PWSA shall constitute a recordable lien against the property.

(b) Where correction of the violation cannot be made in accordance with the Notice of Violation or, in the case of an appeal, within thirty (30) days of the decision of the Municipal Court upholding the determination of violation, upon proof to PWSA of a contract for performance of the correction work, or other document satisfactory to PWSA showing good faith commencement of correction of the violation, abatement by PWSA may be delayed up to a maximum of sixty (60) days after the Notice of Violation or, in the case of appeal, for a maximum of sixty (60) days after the decision of the Municipal Court upholding the determination of violation made by PWSA.

(Ord. No. 3-2006, § 1, eff. 4-12-06)

§ 433.14 PUBLIC NUISANCE.

In the event a violation(s) of this Chapter constitutes an immediate danger to public health or public safety, PWSA is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violations, disconnect and remove the Illegal Surface Stormwater Connection, and/or restore the property. The costs of the measures taken by PWSA shall constitute a recordable lien against the property.

(Ord. No. 3-2006, § 1, eff. 4-12-06)

§ 433.15 INJUNCTIVE AND OTHER RELIEF.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of the provisions of this Chapter is a threat to public health, safety, welfare, and the environment and is declared and deemed to be a nuisance, and PWSA may seek abatement thereof by injunctive or other equitable relief as provided by law.

(Ord. No. 3-2006, § 1, eff. 4-12-06)

§ 433.16 CUMULATIVE REMEDIES.

The remedies listed in this Chapter are not exclusive of any other remedies available under any applicable federal, Commonwealth or local law, and PWSA may seek cumulative remedies. PWSA may recover attorney's fees, court costs, and other expenses associated with enforcement of this Chapter, including sampling and monitoring expenses.

(Ord. No. 3-2006, § 1, eff. 4-12-06)

§ 433.17 PUBLIC INFORMATION.

The PWSA shall create an online publicly accessible map that allows people to check whether their property has a combined or sanitary system, and required action for both systems. This map shall be accessible to the public on or before the effective date of this Chapter.

(Ord. No. 3-2006, § 1, eff. 4-12-06)

§ 433.18 EFFECTIVE DATE.

This Chapter shall take effect within ninety (90) days of the date of enactment, and shall apply to any sale, on or after that date, without regard to the date of any agreement or contract under which the sale occurred.

(Ord. No. 3-2006, § 1, eff. 4-12-06)