

**ORDINANCE NO. 57**

AN ORDINANCE OF THE TOWNSHIP OF BUFFALO,  
WASHINGTON COUNTY, PENNSYLVANIA, SETTING FOR ITS  
AUTHORITY TO ESTABLISH A DYE TEST ORDINANCE.

**Short Title.**

This Ordinance shall be known and cited as the "Dye Test Ordinance."

**Definitions.**

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this part shall be as follows:

CODE: Buffalo Township, as the same may be from time to time amended.

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

ILLEGAL STORM OR SURFACE WATER CONNECTIONS: The discharge of basement seepage or ground water 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 Township issued pursuant to the terms of this Ordinance.

TOWNSHIP: Buffalo Township

**Sale of Real Estate Without Document of Certification Prohibited.**

After the effective date of this Part, it shall be unlawful for any person to sell or purchase real estate within the Township on which a building or improvement exists without first delivering to the purchaser a Document of Certification or a Temporary Document or Certification from the Township.

**Document of Certification Application.**

1. Any person selling real estate located as defined in this Ordinance that is located within the Township (hereinafter referred to as "applicant") shall make application on a form furnished by the Township at least 21 days before the date of closing the sale. The applicant shall then 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 Buffalo Township (hereinafter referred to as "inspector")
2. The inspection fee shall be in an amount set by resolution of the Township Board of Supervisors. The inspection fee shall be paid to the Township at the time of making the application referred to in this Section.
3. Such inspector shall complete the appropriate portions on the form and certify that the property has been dye tested and certify the results of such test. On the event there are no illegal storm or surface water connections, the inspector shall issue a Document of Certification upon payment of such fee as set by resolution of the Township Board of Supervisors. When an illegal storm or surface water connection is discovered by means of the abovementioned 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 the Section.

4. Such inspection shall include a visual review of the existing service line for conformance with the current service line detail. When the existing service line is found to be in nonconformance, the owner shall consider a new trap and fresh-air vent on the existing service line, to ensure the safety of the existing house, unless this service line is of sound quality.

#### **Duration of Document of Certification.**

A Document of Certification shall be valid for a period of one year from the date of issuance. Real Estate may be sold during the one-year effective life of such document without further dye testing or certification.

#### **Instances When Document of Certification not Required.**

A Document of Certification shall not be required in the following instances:

1. When property is refinanced but no conveyance takes place.
2. When an improvement to real estate has been recently constructed in accordance with a valid building permit and has been inspected by the Inspector 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 Part is mandatory.
3. Individual apartment-type units within a single condominium 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 the sale of the individual condominium unit.

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

**Temporary Document of Certification.**

A temporary Document of Certification may be issued at the Township's sole discretion when, either:

1. 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 Board of Supervisors 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 Township's enforcement powers or excuse the current owner from compliance with this Code; or
2. When an illegal storm 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: (i) a bona fide,

executed contract between the applicant and an inspector to complete the necessary remedial work with the Township listed therein as a third party beneficiary; and (ii) cash security in the amount of said contract is posted with the Township; and (iii) a written agreement by the purchaser to be responsible for all cost over-runs and extras related to the remedial work together with a written license to enter upon the property to complete work in case of default of the contractor referred to above. 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.

#### **Municipal Lien and Tax Certification Letters.**

1. A request for a Municipal Lien or Tax Certification Letter must be accompanied by a valid Document of Certification and Payment of the required fees which shall be delivered to the Township at least seven days before such letters are to be provided. The amount of the fee for each item shall be established by resolution of the Board of Supervisors.
2. Where requested by a property owner or his agent and subject to time availability as determined solely by the inspector, the Township may issue Municipal Lien and Tax Certification Letters on two days' notice upon the payment of an expedition fee in addition to the fees set forth above. The amount of the expedition fee shall be established by resolution of the Board of Supervisors.

#### **Regulations.**

The Inspector is hereby empowered to undertake the duties imposed by this Part, including but not limited to:

1. Establishing acceptable forms of security or guarantees.

2. Establishing the form of (i) applications, (ii) purchaser acknowledgements and (iii) inspector certifications.
3. Limiting the times of year in which the Temporary Document of Certification is available for reasons of weather.

#### **Adjustment of Fees.**

The Board of Supervisors may, by resolution, change from time to time the fees authorized in this Ordinance.

#### **Conflict with General Police Powers.**

Nothing in this Part shall limit in any fashion whatsoever the Township's right to enforce its ordinances or the laws of the Commonwealth. Nothing in this Part shall be a defense to any citation issued by any municipal corporation or the Commonwealth pursuant to any other law or ordinance.

#### **Penalties and Enforcement.**

1. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000.00 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Whenever any person violating any of the provisions of this Part is notified of such violation in writing by the Inspector, each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.
2. In addition to and not in lieu of the foregoing, the Township may seek equitable and legal relief to compel compliance with this Part.

**Effective Date.**

This Part shall become effective 60 days after its enactment and adoption.

This ordinance shall take effect five (5) days after passage.

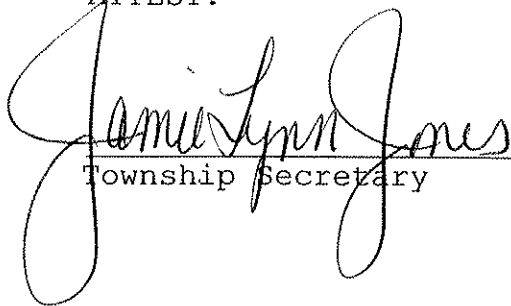
If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township of Buffalo that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

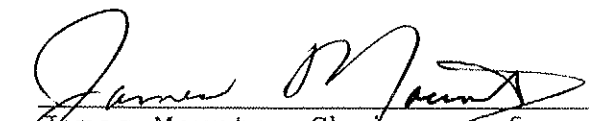
All Ordinances and Resolutions or parts thereof, insofar as the same are inconsistent herewith, are repealed hereby.

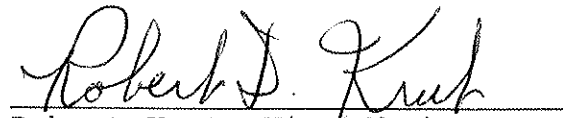
ORDAINED and ENACTED this 3rd day of November, 2010, by the Board of the Township of Buffalo, in lawful session duly assembled.

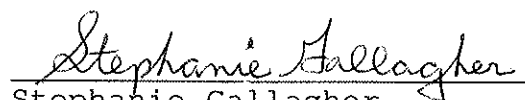
ATTEST:

BUFFALO TOWNSHIP

  
Township Secretary

  
James Mounts, Chairman of  
Board of Supervisors

  
Robert Krut, Vice-Chairman,  
Board of Supervisors

  
Stephanie Gallagher,  
Secretary/Treasurer  
Board of Supervisors