

**THE BOROUGH OF DALLAS,  
OF LUZERNE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2 OF 2017**

**AN ORDINANCE OF THE BOROUGH OF DALLAS, LUZERNE COUNTY, PENNSYLVANIA IMPOSING A REQUIREMENT THAT A SEWER LATERAL AND A SEWER CONNECTION LOCATED ON EACH LOT OR PARCEL OF REAL PROPERTY LYING WITHIN THE BOROUGH OF DALLAS BE INSPECTED PRIOR TO THE SALE OR TRANSFER OF SAID REAL PROPERTY TO ANY PERSON OR ENTITY SUCCEEDING TO THE TITLE AND INTEREST IN AND TO SAID REAL PROPERTY, PROVIDING FOR THE ENFORCEMENT THEREOF, THE PENALTY FOR THE VIOLATION THEREOF, THE SEVERABILITY OF THE PROVISIONS THEREOF, AND FOR THE EFFECTIVE DATE THEREOF**

**WHEREAS**, the Borough of Dallas has deemed it to be necessary to the interest of the health, safety and welfare of the residents of the Borough of Dallas to provide for the inspection of all sewer laterals and all sewer connections installed on any lot or parcel of real property lying within the Borough of Dallas prior to the sale or transfer of such lot or parcel of real property to any person or entity succeeding to the legal title and interest in and to said real property.

BY VIRTUE AND UNDER THE AUTHORITY GRANTED BY THE PENNSYLVANIA BOROUGH CODE, THE BOROUGH OF DALLAS, LUZERNE COUNTY, PENNSYLVANIA HEREBY ENACTS AND ORDAINS:

**Section 1. INSPECTION OF SEWER LATERALS AND SEWER CONNECTIONS**

Prior to the sale or transfer of each lot or parcel of real property lying within the Borough of Dallas, the sewer laterals and sewer connections in and on that real property shall be inspected and/or televised by the Borough of Dallas, or its designated agent, at the owner's expense, to determine the condition of the sewer laterals and sewer connections. The owner of the real property subject to such sale shall notify the Borough of Dallas, or its designated agent, at least thirty (30) days prior to the proposed sale and transfer of the lot or parcel of real property and shall make all areas to be inspected and/or televised available to the Borough of Dallas, or its designated agent, upon demand. If the Borough of Dallas or its designated agent determines that the sewer laterals and/or sewer connections are in an

unacceptable condition, the sewer laterals and sewer connections shall be repaired or replaced by the owner of the lot or parcel of real property at the owner's expense prior to the sale or transfer of ownership of the lot or parcel of said real property. The Borough of Dallas, or by its designated agent, shall confirm by inspection and/or televising that the sewer laterals and sewer connections has/have been satisfactorily repaired or replaced.

## Section 2. DESIGNATION OF AGENT AND DELEGATION OF POWERS

The Borough of Dallas hereby designates DALLAS AREA MUNICIPAL AUTHORITY ("DAMA"), a Pennsylvania general municipal authority, as its agent to create, implement, conduct, and enforce a program for the inspection of sewer laterals and sewer connections, as provided herein. The basis of this designation of agency is that the Borough of Dallas is a constituent member of DAMA, under the Articles of Incorporation of DAMA, and, further, DAMA has heretofore been designated by the Borough of Dallas as its agent in the provision of all water quality management services and with the compliance with all terms and provisions of the Pennsylvania Sewage Facilities Act (Act 537) for which the Borough of Dallas has primary statutory obligation and duty.

## Section 3. ENFORCEMENT AND PENALTY

(a) DAMA, the designated agent of the Borough of Dallas hereunder is hereby granted all powers and is duly authorized to do all things necessary to enforce the provisions of this Ordinance on behalf of the Borough of Dallas.

(b) The penalty for a violation of any provision of this Ordinance shall be the commencement of an action brought before a district justice having jurisdiction over the subject real property in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The solicitor of the municipality or its agent may assume charge of the prosecution without the consent of the Luzerne County District Attorney as required under Pennsylvania Rules of Criminal Procedure No. 83(c) in relation to the trial of summary offense cases in the enforcement of this Ordinance.

(c) Any person or entity convicted of the offense of violating any provision of this Ordinance shall be subject to criminal fines not to exceed One Thousand (\$1,000.00) Dollars per violation.

(d) This Ordinance may be enforced by the Borough of Dallas, or by its designated agent, through an action in equity or law commenced in the Court of Common Pleas of Luzerne County.

Section 4. SAVINGS CLAUSE

These provisions of the Borough of Dallas this Ordinance, so far as they are the same as those ordinances and regulations enforced immediately prior to the adoption of this Ordinance, are intended as a continuation of such ordinances and regulations and not as a new enactment. The provisions of this Ordinance shall not affect any suit or prosecution instituted or to be instituted to enforce any prior ordinance or regulation, except as otherwise provided by law.

Section 5. SEVERABILITY OF PARTS OF ORDINANCE

It is hereby declared to be the intention of the Borough of Dallas that the sections, paragraphs, clauses and phrases of this Ordinance are severable. If any section, paragraph, clause or phrase of this Ordinance is deemed or declared to be unconstitutional, illegal or otherwise invalid by the judgment or decree of a Court competent jurisdiction, that invalidity shall not effect any of the remaining sections, paragraphs, clauses or phrases of this Ordinance.

Section 6. EFFECTIVE DATE

This Ordinance shall become effective as provided by law.

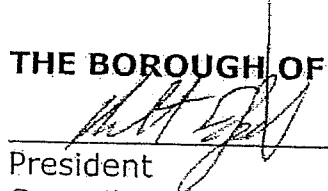
**ENACTED AND ORDAINED** this 20<sup>th</sup> day of September, 2017.

ATTEST:

  
SECRETARY

By:

**THE BOROUGH OF DALLAS**

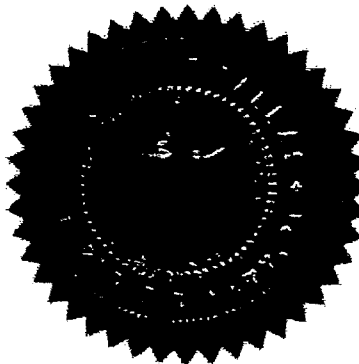
  
President  
Council of Dallas Borough

(SEAL)

APPROVED

  
MAYOR OF DALLAS BOROUGH

DATE: 09/20/2017, 2017



NO. 2 OF 2018

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
DALLAS AREA MUNICIPAL AUTHORITY,  
LUZERNE COUNTY, PENNSYLVANIA**

WHEREAS, the Borough of Dallas and the Townships of Dallas and Kingston, all of Luzerne County, Pennsylvania, have deemed it necessary to the condition of the health, safety and welfare of the residents thereof, as well as the vitality of the business community, to insure that there are no lateral defects or illegal sewer collection line connections that would allow extraneous water to enter the sanitary sewer system operated and maintained by Dallas Area Municipal Authority ("DAMA"), a Pennsylvania general municipal authority. The municipalities have designated DAMA as its agent to create, implement, conduct, and enforce a program for the inspection of sewer laterals and sewer collection line connections

WHEREAS, in furtherance thereof, the aforesaid municipalities each have enacted municipal ordinances requiring sewer laterals and sewer collection line connections to be inspected and approved before the legal or equitable transfer of title to real property within said municipalities; being the service area of DAMA. .

**THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF  
DALLAS AREA MUNICIPAL AUTHORITY BY THESE PRESENTS THAT:**

1. Effective March 1, 2018, any real property connected to the DAMA sanitary sewer collection lines within the aforesaid municipalities to be sold or transferred must first obtain a Certificate of Compliance from DAMA prior to the legal or equitable transfer of such real property.

2. To obtain a Certificate of Compliance herewith, the property owner must secure a Closed Circuit Television ("CCTV") inspection of the applicable sewer laterals and sewer connections performed by a Nassco PACP or LACP certified technician, and, thereafter, present a report and a digital copy of the sewer lateral and sewer collection line connection inspection on an acceptable media to DAMA. Having done so, the subject real property shall be inspected for the existence of any illegal or improper connections sewer connections to the DAMA system within the scope of the municipal ordinances by an inspector employed by DAMA. The property owner or agent therefore must contact DAMA to schedule such inspection. A list of certified technicians will be delivered to the property owner or agent by DAMA upon request.

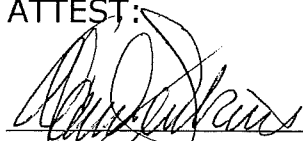
3. The cost of the CCTV inspection is the sole responsibility of the property owner. There is no charge for the inspection by DAMA of the sewer lateral or sewer collection line connection.

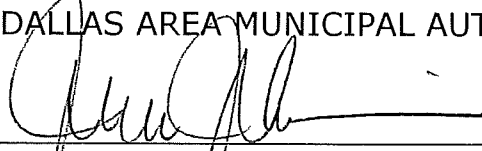
4. If defects in the sewer lateral or an improper sewer collection line connection is found to exist by the above inspection(s) such defects or improper sewer connections must be corrected and the defective sewer lateral and/or sewer collection line connection must be re-inspected before the transfer of the real property. The CCTV inspection is valid for three (3) years, and an additional CCTV inspection is not required if the real property is sold or resold within that period. The inspection by a DAMA inspector is required regardless of the elapsed time between any transfer(s) of the real property.

5. Any person or entity violating any provision of this policy of DAMA shall be subject to summary offense proceedings before a District Magistrate and, if convicted for such violation, the owner of the real property shall be subject to a fine not to exceed One Thousand (\$1,000.00) Dollars per violation.

THIS RESOLUTION WAS APPROVED AT A PUBLIC MEETING OF THE BOARD OF DIRECTORS OF DALLAS AREA MUNICIPAL AUTHORITY HELD ON THE 8 DAY OF February, 2018.

ATTEST:

  
\_\_\_\_\_  
DAVID JENKINS  
Secretary

DALLAS AREA MUNICIPAL AUTHORITY  
  
By: \_\_\_\_\_  
JOHN OLIVER  
Chairman