

Borough of Lilly

LILLY, PENNSYLVANIA

ORDINANCE

Ordinance No.: *January 2020-1*

*An Ordinance of the Borough of Lilly
Amending Lilly Borough Ordinance
2012-1 which will Require Property
Owners to Have the Sewer Lateral
Testing Required Prior to the Sale
or Transfer of Real Property
Performed by the Borough*

WHEREAS, Borough Council enacted Lilly Borough Ordinance 2012-1 (“Ordinance 2012-1”) on July 11, 2012; and

WHEREAS, Ordinance 2012-1 requires owners of Improved and Sewered Real Property in Lilly Borough to perform Lateral Testing and obtain a certificate of compliance from the Borough prior to any sale or transfer thereof; and

WHEREAS, based on prior and ongoing practice and in order to closely monitor the inflow and infiltration of flows into the Borough’s Sanitary Sewer System, the Council has determined that in the interest of promoting the health and welfare of the residents, the Borough will conduct all of the Lateral Testing required for certificates of compliance issued by the Ordinance Compliance Officer.

NOW THEREFORE, the Lilly Borough Council hereby **ORDAINS AND ENACTS** as follows:

Section 1. Section 7(b) of Ordinance 2012-1 shall be amended to read as follows:

Prior to the sale or transfer of any Improved and Sewered Real Property located within the Municipality, the seller or transferor shall have a Lateral Test of the property performed by the Municipality. The fee for the Lateral Testing shall be established and revised from time to time by resolution of the Municipality Council.

Section 2. Section 9(b)(ii) of Ordinance 2012-1 shall be amended to read as follows:

The written, signed agreement of the *purchaser* or transferee to correct, at the *purchaser's* or *transferee's* sole expense, any surface storm water connections to the Sanitary Sewer System disclosed by the subsequent *Lateral Test*, together with a license from the purchaser or transferee to the Municipality, its agents, contractors and employees, to enter upon the property to conduct the *Lateral Testing*. Nothing in this subsection 9(b) shall prohibit any purchaser or transferee from requiring the Applicant to reimburse the purchaser or transferee for any costs incurred in connection with such remedial work; provided, however, that primary responsibility for the remedial work and all costs thereof shall run with *the* land, and no such agreement shall effect the Municipality's enforcement powers or excuse the current owner of the property from performance.

Section 3. Section 10 of Ordinance 2012-1 shall be amended to read as follows:

Municipal Lien and Tax Verification Letters. A request to the Municipality for a municipal lien letter or tax verification letter must be accompanied by a valid Certificate of Compliance or Temporary Certificate of Compliance and by the appropriate fee, which shall be established by the Municipality *Council* from time to time by resolution. The Municipality shall issue the municipal lien letter or tax verification letter within seven (7) days of receipt of the appropriately documented request and applicable fee.

Section 4. Severability. In the event that any section or provision of this Ordinance is declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

Section 5. Repealer. Any other Ordinance or Resolution provisions or regulations of the Municipality inconsistent with any of the provisions of this Ordinance are hereby repealed to the extent of the inconsistency only.

Section 6. Savings Provision. In all other respects, Ordinance 2012-1 shall remain in full force and effect.

ORDAINED AND ENACTED this seventh day of January, 2020

BOROUGH OF LILLY

By: William D. Peterson
- President

Attest: Claudine M. Falger (Seal)
Claudine M. Falger - Secretary

APPROVED this 7th day of January, 2020

Michael Eckenrode
Michael Eckenrode - Mayor