

**BOROUGH OF FLEMINGTON  
CLINTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 260 - 2024

**AN ORDINANCE OF THE BOROUGH OF FLEMINGTON, COUNTY OF CLINTON,  
REQUIRING THE INSPECTION OF SEWER SYSTEMS PRIOR TO THE FINAL  
SALE OF ANY STRUCTURE WITHIN THE BOROUGH**

**WHEREAS**, the Borough of Flemington, Clinton County, Pennsylvania is a Borough organized and operating under the laws of the Commonwealth of Pennsylvania; and

**WHEREAS**, the Borough Council of Flemington Borough wishes to maintain the health, safety and welfare of the Borough; and

**WHEREAS**, the Borough wishes to protect the environment and maintain compliance with Act 537 of the Pennsylvania Department of Environmental Protection with regard to its Sewage Facilities Program; and

**WHEREAS**, the Borough desires to ensure that all sewage systems for structures in Flemington Borough are properly functioning and maintained in a good state of repair; and

**WHEREAS**, the Borough desires that all Sellers and/or transferors of real estate with a structure being serviced by a sewer system within the Borough shall be required to provide proof, in writing, that the sewer system servicing the structure, including but necessarily limited to house connections and laterals, has been inspected by a third party and is being properly maintained and in good working order.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Council of Flemington Borough, Clinton County, Pennsylvania, as follows, to wit:

**SECTION 1:** Definitions.

For the purposes of this Ordinance:

“Borough” means the Borough of Flemington, Clinton County, Pennsylvania, acting by and through its Council, or through its authorized agents.

“Buyer” means any party acquiring a Property other than through Operation of Law.

“Operation of Law” means a transfer by virtue of the provisions of the Pennsylvania Probate, Estates, and Fiduciaries Code, 20 Pa.C.S. §101 *et seq.*, a transfer pursuant to a Writ of Execution, a transfer by virtue of the provisions of the Real Estate Tax Sale Law of 1947 or the Municipal Claims and Tax Liens Act of 1923, or a transfer pursuant to like state or federal statute.

“Ordinance Enforcement Officer” means any person employed by or for the Borough of Flemington and/or a representative of Flemington Borough, for the purpose of enforcing this ordinance.

“Property” means any residential or commercial premises with a structure on it in Flemington Borough.

“Sanitary Sewer System” or “System” means any sewage system serving a Property, and the piping to and from the structure to the system.

“Seller” means any owner of Property selling or conveying the same to a Buyer other than through Operation of Law.

“Selling” or “Sale” shall mean an action by a Seller to convey to a Buyer, as those terms are defined herein, any property containing a residential or commercial structure within the Borough of Flemington.

SECTION 2: Any Seller of property located within the Borough of Flemington, shall, before selling the premises:

a. Arrange for a third party acceptable to the Borough to video record the interior of the System, including house connection and laterals, and present the said video recording to the Borough for its inspection and determination that the System has been properly maintained and in good functioning/working order, and that the System complies with the minimum standards set forth in section 38 of the Flemington Borough Sewer Ordinance (No. 226);

b. In the event, that after the inspection, it has been determined that repairs and maintenance to the System are required, the Seller must present written proof that all repairs and maintenance of the System have been properly completed, before the transfer of ownership of the premises to the Buyer;

c. Written proof must be presented to Flemington Borough that a third party approved by the Borough has again inspected the System after the repairs and maintenance have been completed and has certified that upon inspection of the repairs and maintenance that the System is in good working order and functioning properly;

Failure to effectuate each and every of the foregoing provisions shall constitute a violation of this Ordinance.

If a Seller fails to effectuate each and every of the foregoing provisions and nevertheless conveys a Property, the Buyer shall be responsible for effectuating the same within thirty (30) days of the conveyance thereof, and failure to do so on the part of the Buyer shall likewise constitute a violation of this Ordinance.

SECTION 3: The Borough shall incur no liability or guarantee toward the Buyer as a result of such inspection or re-inspection and in the event that the Buyer desires to have its own

guarantee, the Buyer shall have the duty to make its own independent inspection and obtain a guarantee from its own inspector.

SECTION 4: All costs associated with the testing and repair shall be the sole responsibility of the Seller.

SECTION 5: The Borough Ordinance Enforcement Officer shall enforce this Ordinance.

SECTION 6: Whenever a violation of this Ordinance is found or believed to exist, the Ordinance Enforcement Officer shall give written notice to the Seller personally or by Certified mail addressed to his or her last known address, or by posting said written notice thereof upon the premises involved. The notice shall identify the premises, specifically state the reason why notice is being issued with relevant section(s) of this Ordinance, include a correction order allowing a reasonable time to achieve compliance with this Ordinance, and set forth that the owner of the property shall have a right to appeal the notice of violation within the time period set for compliance and that failure to appeal shall be conclusive evidence of a violation.

SECTION 7: In the event that the record owner shall neglect, fail or refuse to comply with the provisions of this Ordinance within the time period specified in the notice of violation described in Section 6, the Borough may do any or all of the following, at its election:

1. Proceed to bring an action against the Seller or Buyer, as applicable, before the District Magistrate for the violation of the provisions of this Ordinance and, upon conviction thereof, in a summary proceeding, the Seller or Buyer, as applicable, may be sentenced to pay a fine or penalty of not less than Three Hundred (\$300.00) nor more than One Thousand (\$1,000.00) Dollars, plus costs of suit and reasonable attorney's fees, and restitution as determined for work performed and charges assessed and/or paid by the Borough, and in default of payment of said fine, costs, fees and restitution, to a term of imprisonment not to exceed thirty (30) days. Each day that an offense/violation continues shall constitute a separate offense/violation.
2. Obtain an order authorizing the Borough to enter upon the Property and effectuate compliance with the provisions of this Ordinance, the cost of which, together with court costs and reasonable attorney's fees, shall be recoverable by the Borough by the filing of a municipal lien against the Property, the enforcement and collection of the same.

SECTION 8: This Ordinance shall be effective upon the earliest day provided by Borough law.

ENACTED AND ORDAINED by the Council of Flemington Borough, Clinton County,

Pennsylvania, this 14 day of March, 2024.

ATTEST:

FLEMINGTON BOROUGH



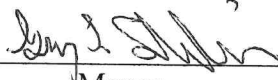
By: \_\_\_\_\_

Secretary

President



APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.



\_\_\_\_\_  
Mayor