

Time of Sale Inspections

The Town of The Town of Cheektowaga Town requires all properties to have a sanitary sewer inspection before title is transferred (time of real estate closing). Property owners must obtain a Certificate of I&I Compliance from the Town before selling or transferring title of property. Properties that don't pass inspection will be issued a correction notice.

Why is this required?

The Time of Sale Inspection is intended to help reduce peak sanitary sewer flows caused by Inflow & Infiltration (see main page), or the flow of clear water into the sanitary sewer system. The New York State Environmental Conservation Department (NYSDEC), which provides oversight of wastewater collection and treatment for the entire state, requires the Town of The Town of Cheektowaga to reduce peak flows to the local wastewater collection system. The Time of Sale inspections allow the Town to ensure that private properties have no illegal connections to the sanitary sewer system or pipe defects that contribute to excess peak flow discharges.

In response to the NYSDEC requirement, the Town of Cheektowaga passed a Time of Sale ordinance that provides for these inspections. See **Town of Cheektowaga I&I Law** in the **Document Center** to the left.

Application

An application form can be found on line or at the Town of Cheektowaga Building & Plumbing Department located at the Alexander Community Center, Room 207, 275 Alexander Avenue, Cheektowaga, NY 14225.

Obtain an **I&I Application** from the **Document Center** on the **Inflow and Infiltration** web page or in person at the Building & Plumbing Department.

Application Fee

The application fee is \$100 for residential properties and \$150 (per building) for commercial or multi-unit buildings.

Submitting an Application

Applications can be mailed with a check for the appropriate fee or hand-delivered to the Building & Plumbing Department at the address noted above. MasterCard, VISA and Discover are accepted at the Building & Plumbing Department.

Calling for a Time of Sale Inspection

The property owner must be prepared for the inspection (see section below). A responsible adult must be present at all times during the inspection.

Call the Cheektowaga Building & Plumbing Department at 716-686-3470 between 9 am and 4:30 pm to schedule an inspection. At least 48-hour advance notice is required.

The appointment will take approximately one and one-half hours for residential properties and a minimum of three hours for commercial or multi-unit properties.

Cancellation Fee

A 24 hour notice is required for cancellations; failing to provide such notice will result in a \$50 rescheduling fee which must be paid prior to scheduling another inspection.

Preparing for the Inspection

1. Make sure the water is turned on at the property. The inspection cannot be completed without water.
2. The inspector will also require garden/water hoses long enough to reach from a connecting faucet to the furthest drain on your property.
3. Locate the sewer cleanout (usually located at the front of the house – see illustration to right).
4. Make sure the sewer cleanout cover is in working condition before the inspection is called for. To ensure the cleanout cover is in working condition, the cover should be loosened and removed, and then replaced so that a watertight seal is achieved.
5. Make sure the floor area around the cleanout is clear (a five-foot radius).
6. If there is a cleanout cover located on the floor in the basement, this cover should be in working condition. The inspector may need to gain access to any cleanout covers located in the basement floor.
7. If you have a sump pump, make sure it is accessible for inspection.

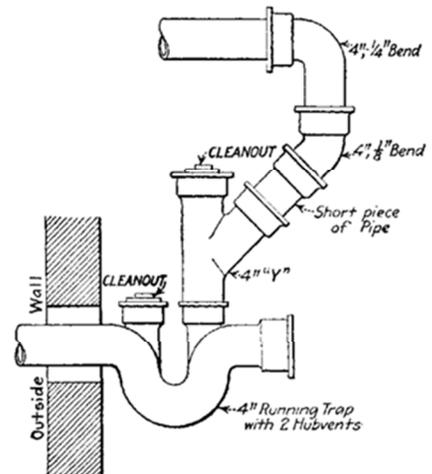


FIG. 47.

8. Make sure the sump pump discharge piping is visible.

Inspection Results

Prior to leaving the Time of Sale Inspection, the Town Inspector will present the property owner with a copy of the *I&I Inspection Form* which contains guidelines for addressing any I&I violations which were identified and need to be corrected.

Correct any Problems

If the corrections are required, make recommended corrections to address the problem(s) noted on the *I&I Inspection Form*. Work may be done by a qualified homeowner or a Plumber who is licensed in the Town of Cheektowaga (see **Licensed Plumbers** in the Document Center on the **Inflow & Infiltration** web page, or call the Town of Cheektowaga Building & Plumbing Department at (716) 686-3470).

Plumbing Permits from the Town of Cheektowaga Building & Plumbing Department are required for installation of backflow valves, bubblers, drain tile, sump pumps, etc. but the I&I Inspection fee previously paid is credited against such fees. Inspections of work performed under a permit are also required from the Town's Building & Plumbing Department. If possible, the Inspector will clear any open I&I issues. If all required corrections are not completed at that time, call the Building & Plumbing Department at (716) 686-3470 when work is completed to schedule another I&I inspection.

Properties that don't pass inspection are issued a correction notice delineating the problems. Town Code requires the repairs to be completed within 180 days.

If the property is not compliant after two inspections, an additional Inspection fee (\$50) or application fee (\$100 for residential properties; \$150 for each building commercial properties) may be charged.

Compliance

When your property is found compliant, the Town of Cheektowaga issues a *Certificate of I&I Compliance* to the property owner and keeps a copy on file at Town of Cheektowaga Building & Plumbing Department.

Allow up to ten working days for the Town to review the inspection report and issue a *Certificate of I&I Compliance*.

Waiver of Certificate of Compliance

The Town's Supervising Code Enforcement Officer may temporarily waive the requirement of a Certificate of I&I Compliance as a prerequisite to transfer of title, as specified in the preceding section, provided that no later than 10 working days prior to the expected closing for said transfer:

- (1) the seller makes a written request to the Supervising Code Enforcement Officer and such request include a written, itemized quote from a plumber licensed in the Town of Cheektowaga which provides for correction of all identified discharges and addresses all recommendations specified in the Notice of Violation; and
- (2) the seller and purchaser shall have filed with the Supervising Code Enforcement Officer a written guaranty to correct any deficiencies to the sump pump system, interior floor drains, footing drains, yard drains, roof drains and downspouts, catch basins and parking lot drains on said structure or parcel of land within 90 days after closing of sale or a period of time specified by the Supervising Code Enforcement Officer; and
- (3) the purchaser shall have provided a sum equal to 150% of the estimated costs contained in the itemized quote provided in item (1) above. Such sum shall be payable by certified check or bank draft payable to the Town of Cheektowaga at closing and held in escrow by the Town of Cheektowaga; such sum will be returned to the purchaser if the corrections are completed within the time specified in the guaranty, but which sum will be forfeited to the Town of Cheektowaga if needed corrections are not completed within the time frame specified in the written guaranty.

In the event that the needed corrections are not completed within the time specified in the written guaranty, the temporary waiver issued by the Supervising Code Enforcement Officer shall immediately expire and the purchaser shall be subject to the penalties described in §198-7B and 198-7C of the Code of the Town of Cheektowaga.

I/I Questions and Answers

Why is the Town of Cheektowaga doing this now?

Under a consent order with the New York State Environmental Conservation Department, the Town of Cheektowaga is required to reduce I&I from its sanitary

system or face financial fines. One of the corrective methods agreed to by the Town is the implementation of the Time of Sale I&I Inspection Program.

How do I know if my property is covered by the Time of Sale I&I Inspection Program?

Time of Sale I&I inspections are only required in parts of the Town covered by the Town of Cheektowaga Consolidated Sewer District. A map of the Town highlighting the Cheektowaga Consolidated Sewer District is provided in the **Document Center** to the left on the I&I web page. All areas highlighted in blue are subject to the Town's I&I law (including generally all properties north of Broadway and most properties south of Broadway and west of Union Road).

All properties in The Town of Cheektowaga Consolidated Sewer District must be inspected with a **Time of Sale Inspection** and required to be in compliance before they can be sold. Failure to comply with the Time of Sale Law results in fines starting at \$500 per day per offense.

The Erie County Sewer District will be independently conducting inspections in the remaining parts of the Town. The Villages of Depew and Sloan are also required to reduce I&I but have separately created programs to do so. Accordingly, sales in these areas are not covered by the Town of Cheektowaga Time of Sale Law.

When is the Time of Sale inspection required?

A Time of Sale inspection is required before a property is transferred - normally considered to be **the time of closing**. Repairs should be completed, and a Certificate of I&I Compliance issued, before the real estate closing. If repairs cannot be made before a title transfer, then escrow is required. The *Certificate of I&I Compliance* stays with the property after the sale, however, the Certificate is only good for 120 days. The Supervising Code Enforcement Officer may extend the Certificate an additional 120 days however a final I&I re-inspection may be required prior to closing.

Why does the Town require inspections only for homes that are for sale?

After studying other programs, Town officials concluded the cost of such a repair might be easier on homeowners at the time of a sale, when they typically have access to funding from home equity. Similar requirements have been in effect in neighboring towns and villages for some time.

But Time of Sale is only one aspect of the Town's I&I Reduction Program. I&I Inspections are also required for property where owners have applied for plumbing

permits, variances, subdivisions, or other actions from the Town of Cheektowaga will also be subject to an inspection. Additionally, the Town will implement a house-to-house and business-to-business inspection program later in 2016.

If I have the inspection and decide not to sell, do I still need to complete the repairs?

Repairs should be completed within 180 days of the first inspection, and the Town can grant an extension of another 180 days. If repairs are not completed within one year of the first inspection, the inspection(s) become invalid and the process needs to start again, which includes paying the applicable inspection fee.

Can the buyers assume responsibility for the repairs?

Yes, if arrangements are made for escrow with the closing agent and an I/I Compliance Agreement is signed by the Town's Supervising Code Enforcement Officer and the responsible party. The seller is responsible for the initial inspection.

Is a sump pump required?

Not all homes require a sump pump because water is otherwise properly discharged and is **not** channeled directly into sanitary sewer pipes. The I&I Inspector will assess water discharge at each property to determine remedial action required.