

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

EMMA L. DAVIS

CIVIL DIVISION

Appellant,

vs.

No. SA- *19-000052*

ALLEGHENY COUNTY HEALTH
DEPARTMENT, AND MCKEES
ROCKS BOROUGH

Appellees.

NOTICE OF STATUTORY APPEAL

Filed on behalf of Appellant,
Emma L. Davis

COUNSEL OF RECORD FOR THIS PARTY:

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AND NOW, comes the Appellant, Emma L. Davis, by and through her attorney, Kimberly J.

Kisner, Esq., and files the within Notice of Statutory Appeal as follows:

1. On December 21, 2018, Allegheny County Administrative Hearing Officer Max Slater issued an Order dismissing Appellant's appeal of a July 5, 2018 Order from the Allegheny County Health Department directing homeowner Appellant to repair a sewer lateral near her 916 2nd Street, McKees Rocks residence. A copy of said decision is hereby incorporated by reference and attached as Exhibit "A."

2. Appellant asserts she is not responsible for repairs pursuant to the Borough of McKees Rocks Ordinance No. 1449 as the sewer lateral is not on her property and instead within a public thoroughfare outside of her control.

3. Appellant asserts that the Borough is liable under the utility exception to the Political Subdivision Tort Claims Act because the collapse of the sewer line was caused by the Borough's failure to inspect and maintain the lateral sewer line.

WHEREFORE, Appellant hereby timely appeals the Allegheny County Health Department's December 21, 2018 Administrative Decision and requests a Hearing de novo before this Honorable Court.

Date: January 22, 2019

Respectfully submitted,



Kimberly J. Kisner
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