

CHAPTER 18

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Part 1
Sewage System

§18-101. Definitions.

ACCEPTABLE SANITARY SEWAGE — shall have the same meaning in this Part as that set forth in the Sewer System Rules and Regulations of the Authority.

AUTHORITY — the Saxonburg Area Municipal Authority.

PERSON — any individual, corporation, partnership, joint venture, or government agency or any other legal entity recognized by the laws of the Commonwealth of Pennsylvania.

SANITARY FACILITIES — any indoor or outdoor facility designed to remove, transmit, or store acceptable sanitary sewage.

STRUCTURE — any single family residence, multi-family residence, mobile home, office, commercial building, garage, or any other structure which shall contain any sanitary facility.

SUPERVISORS — the Board of Supervisors of the Township of Jefferson, Butler County, Pennsylvania.

TOWNSHIP — the Township of Jefferson, Butler County, Pennsylvania.

(Ord. 50, 10/8/1981, §1)

§18-102. Approval of Costs and Construction.

1. The sanitary collector sewers constructed by the Authority within the geographic boundaries of the Township and the total cost of said construction as set forth in the records of the Authority are hereby approved.
2. The proposal of the Authority to assess the cost of construction of said sanitary collector sewers and appurtenances against the properties within the Township that are benefited, approved and accommodated, according to the terms of this Part as provided hereinafter, thereby at a rate not to exceed \$8 per foot-front in accordance with the foot-front method is hereby approved.

(Ord. 50, 10/8/1981, §2)

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§18-103. Repair of Existing Sewer Lines.

1. The Authority is hereby granted the right, privilege, franchise and authority to maintain, repair and replace in the streets, roads, alleys and rights of way of the Township, the necessary sewer lines and the required appurtenances thereto which have been constructed as of the date of the enactment of this Part.
2. If the work and opening or filling or maintaining of the surface of said streets, roads, alleys and rights-of-way shall not be properly or shall be unskillfully or improperly or incompletely done by the Authority, the Township reserves the right to cause the same to be done in the manner it deems proper and the expense thereof shall be charged to the Authority.

(Ord. 50, 10/8/1981, §3)

§18-104. Properties Required to Connect to Public Sanitary Sewer Line of the Authority in Jefferson Township.

1. All of the following described properties located within the boundaries of the Township of Jefferson, Butler County, Pennsylvania, shall be required to connect to the sanitary sewer lines and/or the appurtenances thereof of the Authority located within the Township of Jefferson from and after the date of the enactment of this Part:
 - A. Any structure erected in Jefferson Township, any point of said structure being located within 150 feet of an existing line of the Authority.
 - B. Any structure located within 150 feet of an existing sanitary sewer line of the Authority that is currently serviced by an existing septic system, holding tank, sand mound, mechanical sewage treatment system, mine hole, or any other means of storing and/or disposing of acceptable sanitary sewage, in the event that the presently existing system shall fail and shall be incapable of being repaired without the installation of a completely new system.
2. Any structure which is connected to the sanitary sewer lines of the Authority as of the date of the enactment of this Part shall not be permitted to disconnect from said sanitary sewer line but, to the contrary, shall be directed to maintain said connection and said property shall be barred from maintaining any other means of disposing of acceptable sanitary sewage from and after the date of the enactment of this Part.
3. No privy vault, cesspool, septic tank, mine hole, or similar receptacle for human excrement shall at the present time or any time hereafter be connected with the aforesaid sanitary sewers.
4. It shall be unlawful for any person, firm or corporation connected to any aforementioned public sanitary sewer of the Authority to connect any roof drain thereto

or permit any roof drain to remain connected thereto, or to permit, allow, or cause to enter into said public sanitary sewers, any storm water, foundation drain water, spring water, or surface water, or any sewage or industrial waste from any property other than that for which a permit is or has been issued.

5. Henceforth, no person, firm or corporation shall make or cause to be made any connection with any of the aforementioned public sanitary sewers until he has fulfilled all of the following conditions:
 - A. He shall make application to the Authority upon a permit form to be formulated and supplied by the Authority for permission to connect to the aforementioned public sanitary sewers. Among other things, the applicant must state the character and use of each structure located on his property.
 - B. He shall pay to the Authority, the required fees established by the Authority for the first building or structure on each property, and an additional fee equal to the actual cost to the Authority for each separate connection requested by the property owner over the first connection for additional buildings or structures on the property, connected to the aforementioned public sanitary sewers at the time of making application for permission to make such connection or connections.
 - C. No work shall commence before the payment of the aforesaid tap connection fee and issuance of the aforementioned connection permit.
 - D. He shall give the designated inspector of the Authority at least 24 hours notice of the time when such connection shall be made in order that said inspector can be present to inspect and approve the work of connection. The inspector shall signify his approval of the connection by endorsing his name and the date of approval on the aforementioned connection permit in the possession of the permittees.
 - E. At the time of inspection of the connection, the owner or owners of the properties shall permit the inspector full and complete access to all sanitary and drainage arrangements and facilities in each building and in and about all parts of the property. No building sewer line shall be covered over, or in any manner concealed, until after it is inspected and approved by said inspector.
6. The construction and number of all building sewer lines or house service sewers shall be done in accordance with the specifications, plans and procedures established by the Authority in the Sewer System Rules and Regulations, as the same may be from time to time published and amended, copies of which upon adoption, shall be maintained on file with the Township Secretary and the Authority.
7. If the owner or owners of any houses, buildings, or structures in the Township shall neglect or refuse to comply with the provisions of this Part or the written notice as prescribed in §18-103 hereof, the Township or the Authority as its agent may perform or cause to be performed such work and labor and furnish or cause to

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be furnished such material as may be necessary to comply with the provisions of this Part at the cost and expense of such owner or owners, together with 10% additional thereof and all charges and expenses incidental thereto, which sum shall be collected from said owner or owners for the use of the Authority as debts are by law collectible, or the Township or the Authority as its agents may, by its proper officer, file a municipal claim or lien therefore against said premises as provided by law.

8. In addition to any penalty hereinabove prescribed, any person, firm or corporation who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to imprisonment for a term not to exceed 90 days.

(Ord. 50, 10/8/1981, §4; as amended by Ord. 60, 8/12/1985; and by Ord. 103, 10/11/1993)

Part 2

Individual Sewage Systems

§18-201. Short Title.

This Part may be known and may be cited as the Jefferson Township Sewage Systems Ordinance.

(Ord. 5/3/1979, §1)

§18-202. Definitions.

For the purpose of this Part, the following words and phrases shall have the meanings ascribed to them in this section.

ALTERNATE INDIVIDUAL SEWAGE SYSTEM — means an individual or community sewage system employing a treatment tank and alternate subsurface absorption area.

COMMUNITY SEWAGE SYSTEM — means any system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two or more lots, and the treatment and/or disposal of the sewage or industrial waste on one or more of the lots or at any other site.

INDIVIDUAL SEWAGE SYSTEM — means a system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of the Commonwealth or by means of conveyance to another site for final disposal.

PERSON — shall include any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term "person" shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public, or private corporation for profit or not for profit.

PROPERTY OWNER — means any and all persons with an interest in real estate including legal and equitable interests.

SEWAGE — means any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for

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recreation, or which constitutes pollution under the Act of June 22, 1937, known as "The Clean Streams Law," as amended.

SEWAGE ENFORCEMENT OFFICER — means the duly appointed official of Jefferson Township who reviews permit application conducts such investigations and inspections as are necessary and issues permits.

TOWNSHIP — means Jefferson Township, Butler County, Pennsylvania.

(Ord. 5/3/1979, §2)

§18-203. Requirements for Individual Sewage Systems and Community Sewage Systems.

1. It shall be unlawful for any property owner or any other person to install or repair, replace, or enlarge individual sewage systems of community sewage systems within the Township without first obtaining a valid permit issued by the Township Sewage Enforcement Officer.
2. It shall be unlawful for any property owner or any other person to install or repair, replace, or enlarge an individual sewage system or community sewage system within the Township contrary to any conditions or requirements imposed by the Township Sewage Enforcement Officer at the time of issuance of a permit.
3. It shall be unlawful for any property owner, or any other person, to begin construction or installation of a building for which an individual or community sewage system is to be used without first obtaining a permit.

(Ord. 5/3/1979, §3)

§18-204. Permits.

1. Application for a permit to install an individual or community sewage system shall be in writing on forms provided by the Township, signed by the property owner, and shall include the following:
 - A. Information required on the Pennsylvania Sewage Facilities Act Application for Sewage Disposal System form;
 - B. Legal description of the property on which the proposed installation or alteration is to take place;
 - C. Plot plan of land showing location of any proposed or existing buildings;
 - D. Plan of proposed sewage system;

- E. Soil profile description and percolation test report;
 - F. Location of water supply facilities, existing or proposed; and
 - G. The fee for processing the application and supervision of the installation which shall be set by Resolution of the Township Supervisors.
2. Applications for permits shall be submitted to the Sewage Enforcement Officer who shall issue or deny a permit within seven days from receipt of the completed application.
 3. The Sewage Enforcement Officer shall grant or deny the permit depending upon whether or not the proposed installation or alteration conforms to the standards of the Pennsylvania Sewage Facilities Act, the Pennsylvania Clean Streams Law, Rules and Regulations of the Department of Environmental Resources of the Commonwealth of Pennsylvania, and Rules and Regulations issued pursuant to this Part.
 4. No holding tanks for the collection of sewage until it can be conveyed to another site for final disposal shall be permitted within Jefferson Township unless the construction of said holding tank is necessary to abate a nuisance or public health hazard. [Ord. 104]

(Ord. 5/3/1979, §4; as amended by Ord. 104, 10/11/1993)

§18-205. Appeals.

Any property owner aggrieved by the denial of a permit under this Part shall have the right within 30 days after receipt of notice of the denial to request a hearing before the Township Supervisors. Revocation of a permit shall occur only after notice and opportunity of hearing has been given to the permittee. Township Supervisors shall hold a hearing within 15 days after receipt of such request. The hearing procedure shall be governed by the "Local Agency Law" 53 P.S. §11301 et seq. as hereinafter amended.

(Ord. 5/3/1979, §5)

§18-206. Sewage Enforcement Officer.

The enforcement of this Part shall be the responsibility of the Sewage Enforcement Officer, who shall be appointed by Resolution of the Township Supervisors.

(Ord. 5/3/1979, §6)

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§18-207. Penalties.

1. Please see Chapter 1, Part 5, "Ordinance Enforcement Procedure."
2. A violation of the provisions of this Part shall constitute a nuisance and shall be abatable in the manner provided by law.
3. Nothing in this Part shall be construed as stopping the Township from proceeding in Courts of Law or Equity to abate nuisances forbidden under this Part or abate nuisances under existing law. Nothing in this Part shall in any way abridge or alter rights or actions or remedies now or hereafter existing in equity or under the Common Law or Statutory Law, Criminal or Civil.
4. All actions hereunder shall be prosecuted in the name of Jefferson Township.

(Ord. 5/3/1979, §7; as amended by Ord. 60, 8/12/1985; and by Ord. 155, 1/5/1998)

§18-208. Validity.

It is the express intention of Jefferson Township that this Part be read in conjunction with all other ordinances of the Township and where there is conflict in provisions thereof, such interpretation shall be given to all ordinances read in conjunction as to produce a reasonable result consistent with the intention of the Township Supervisors in enacting such ordinances. In the event that any section, subsection, paragraph, sentence, clause or penalty of this Part should be declared invalid for any reason, such decision shall not affect the remaining portions of the Part and the provisions hereof are hereby declared to be severable.

(Ord. 5/3/1979, §8)

Part 3
Sewage Holding Tanks

§18-301. Title.

This Part shall be known and may be cited as the "Jefferson Township Sewage Holding Tank Ordinance."

(Ord. 340, 7/9/2012)

§18-302. Authority.

This Part is adopted pursuant to the authority set forth in the Pennsylvania Sewage Facilities Act, Act 537, 35 P.S. §750.1 et seq. and the Pennsylvania Clean Streams Law, 35 P.S. § 691.1 et seq.

(Ord. 340, 7/9/2012)

§18-303. Purpose.

- A. The purpose of this Part is to protect the public health by preventing the discharge of untreated or inadequately treated sewage into the soil or waters of the Commonwealth.
- B. This Part is intended to implement the provisions of the Pennsylvania Sewage Facilities Act ("Act 537"), and the regulations and standards promulgated by the Pennsylvania Department of Environmental Protection ("PADEP") pursuant to Act 537, and the provisions of the Pennsylvania Clean Streams Law, and the regulations and standards promulgated pursuant to the Clean Streams Law.

(Ord. 340, 7/9/2012)

§18-304. Applicability.

This Part shall apply to the installation of holding tanks and multiple portable toilets on a single site within the corporate limits of Jefferson Township, Butler County, Pennsylvania.

(Ord. 340, 7/9/2012)

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§18-305. Definitions.

The following words and phrases shall have the meanings set forth herein unless the context of the use thereof dictates another interpretation:

ACT 537 — the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 et seq., as amended

COMMUNITY SEWAGE SYSTEM — a sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots, or two or more equivalent dwelling units, and the treatment or disposal, or both, of the sewage on one or more of the lots or at another site.

HOLDING TANK (RETAINING TANK) — a watertight receptacle, whether permanent or temporary, which receives and retains sewage conveyed by a water-carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site. Sewage permits for temporary holding tanks shall expire no later than 18 months from the date the permit was issued and are not renewable.

INDIVIDUAL SEWAGE SYSTEM — a system of piping, tanks, or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of this commonwealth or by means or conveyance to another site for final disposal.

OWNER — any person vested with ownership, legal or equitable, sole or partial, of any property located in the corporate limits of Jefferson Township, Butler County, Pennsylvania.

PADEP — the Pennsylvania Department of Environmental Protection or any successor department or agency of the Commonwealth of Pennsylvania.

PERSON — any individual, association, public, or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau, or agency of the United States, commonwealth, political subdivision, municipality, district, authority, or another legal entity which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or a fine or imprisonment, the term includes the members of an association, partnership, or firm and the officers of any local agency or municipal, public, or private corporation for profit or not for profit.

PORTABLE TOILET (CHEMICAL TOILET) — a portable nonflushing toilet using chemical treatment in the retaining tank for odor control.

PUMPER — any person properly licensed or certified by the commonwealth of Pennsylvania who engages in pumping out sewage holding tanks and transports the sewage cleaned, removed, or extracted from such systems.

SEWAGE — any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animal and noxious or deleterious substances, including but not limited to gray water, being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation or which constitutes pollution under the Clean Streams Law, 35 P.S. §691.1 et seq., as amended.

SEWAGE ENFORCEMENT OFFICER — an official appointed by the Board of Supervisors and certified by PADEP who reviews sewage permit applications, and sewage facilities planning modules, issues permits as authorized by Act 537, the regulations and standards promulgated under Act 537 and this Part, and conducts investigations and inspections that are necessary to implement Act 537, the regulations and standards promulgated by the PADEP pursuant to Act 537, and this Part. The term shall include the Alternate Sewage Enforcement Officer.

SEWAGE FACILITIES PLANNING MODULE — a revision to, or exception to the revision of, the Township's Official 537 Plan submitted in connection with the request for approval of a subdivision or land development in accordance with PADEP regulations.

TOWNSHIP — Jefferson Township, Butler County, Pennsylvania.

(Ord. 340, 7/9/2012)

§18-306. Permits Required.

1. A sewage permit issued by the Township is required prior to the construction or installation of any permanent or temporary sewage holding tank.
2. A sewage permit issued by the Township is required prior to the installation of four or more portable toilets at a single construction site, natural gas or oil well drilling site, recreational or sporting activity, or seasonal facility.
3. Permanent sewage holding tanks shall only be permitted:
 - A. When the use is necessary to abate a nuisance or public health hazard.
4. Temporary sewage holding tanks shall only be permitted:
 - A. At a construction site, or natural gas or oil well drilling site with a flow of 800 gallons per day per unit.
 - B. When necessary to abate a nuisance or public health hazard.

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5. Four or more portable toilets installed at a single construction site, natural gas or oil well drilling site, recreational or sporting activity, or seasonal facility shall be covered by one sewage permit.
6. Three or fewer portable toilets installed at a construction site, natural gas or oil well drilling site, recreational or sporting activity, or season facility are exempt from sewage permit requirements.
7. Sewage permits issued for portable toilets or temporary holding tanks shall expire no later than 18 months from the date the permit was issued and are not renewable.
8. To apply for a sewage permit, the applicant shall submit a complete sewage permit application to the Township, on a form provided by the Township. The Township may require the applicant to provide additional information to assure that the proposed sewage facilities, holding tank, and/or portable toilets will comply with the requirements of Act 537, the regulations, and standards promulgated by PADEP pursuant to Act 537, and the provisions of the ordinance.
9. The applicant shall fully pay all application fees, as set by the Board of Supervisors by resolution and as amended from time to time, to the Township at the time the application is submitted to the Township.
10. The Sewage Enforcement Officer shall issue or deny a sewage permit within seven days after receiving a complete application. If the Sewage Enforcement Officer determines that the application is incomplete or that additional information is required, he shall communicate the nature of the deficiency or request supplemental information from the applicant in writing within seven days of receipt of the application. When the required information is received, the Sewage Enforcement Officer shall act upon the application within 15 days.
11. The Sewage Enforcement Officer shall be authorized to issue a permit for a sewage system utilizing a temporary holding tank only upon the finding that all of the following conditions have been met:
 - A. The applicant has entered into a maintenance, inspection, and pumping agreement with a licensed company, acceptable to the Township, for the pumping, transportation, and disposal of sewage from the tank at a PADEP-approved disposal site; and
 - B. The applicant has provided the Township with a copy of written verification from the proposed disposal site that the facility has adequate capacity for disposal of the applicant's sewage; and
 - C. The applicant has entered into a maintenance agreement with the Township establishing the applicant's responsibilities regarding operation, maintenance, repair, and removal of the holding tank and authorizing the

Township to conduct random/periodic inspections of the site, sewage facilities and holding tank; and

- D. The applicant has promptly paid all fees, costs, and expenses related to the issuance of the sewage permit and posted financial security with the Township for the estimated costs associated with inspection, maintenance, repair, removal, pumping, transportation, and disposal of sewage from the holding tank and remediation of the property resulting from any contamination of the site; and
 - E. The plans for the installation, operation, maintenance, repair, and removal of the holding tank and the pumping, transportation and disposal of sewage from the holding tank meets all PADEP requirements.
12. Failure of the Sewage Enforcement Officer to finally act on an application for a sewage permit does not constitute permit approval. If the Sewage Enforcement Officer does not finally act on a complete initial application within 15 days of receipt, or within 30 days of receipt of all required supplemental information, the applicant may request a hearing before the Board of Supervisors.
13. Denial of Permits. Written notice of denial of a sewage permit shall be provided by the Sewage Enforcement Officer to the applicant. The notice shall include the reasons for denial and provide notice of the applicant's right to request a hearing before the Board of Supervisors. The Sewage Enforcement Officer shall provide a copy of the notice of denial to PADEP within seven days of issuance.
14. Revocation of Permits. The Sewage Enforcement Officer may revoke a sewage permit at any time for one or more of the following reasons:
- A. When a change has occurred in the physical conditions of any lands which will materially affect the sewage system; or
 - B. When one or more tests material to the issuance of the permit has not been properly conducted; or
 - C. When information relevant to the issuance of the permit has been falsified; or
 - D. When the original decision of the Township otherwise failed to conform to Act 537 or the regulations and standards adopted pursuant to Act 537; or
 - E. When the permit holder has violated Act 537, the regulations and standards adopted pursuant to Act 537, or the requirements of the permit; or
 - F. The permit holder has failed or refuses to comply or to continue to comply with any of the provisions of this Part.

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15. **Written Notice of Revocation.** The Sewage Enforcement Officer shall provide written notice of revocation of the sewage permit to the permit holder. The notice shall include the reasons for revocation, notice of the permit holder's right to request a hearing before the Board of Supervisors within 10 days of receipt of the revocation notice, and prohibit any further construction activity and/or use of the holding tank and/or the structure for which is it intended or portable toilets until a new permit is issued or the revocation is reversed on appeal.
16. If the permit holder fails to file a written request for a hearing within 10 days after receipt of the notice of revocation, the revocation shall be final.
17. **Transfer of Applications/Permits.** A sewage application or sewage permit may be transferred from the applicant or permit holder to a subsequent owner with the transfer of the property. Such transfers are not valid until approved in writing by the Board of Supervisors and, in the case of sewage permits, until the subsequent owner receives a copy of the application under which the permit was issued.

(Ord. 340, 7/9/2012)

§18-307. Holding Tank Construction Standards.

1. All holding tanks shall be constructed to meet the specifications of Act 537 and the regulations and standards promulgated by the PADEP pursuant to Act 537 (25 Pa.Code § 73.62, relating to standards for holding tanks) as may be amended from time to time.
2. The minimum capacity of a holding tank shall be 1,000 gallons or a volume equal to the quantity of waste generated in three days per unit, whichever is larger.
3. All holding tanks shall be equipped with a warning device to indicate when the tank is filled to within 75% of its capacity. The warning device shall create an audible and visual sign at a location frequented by the permit holder or responsible individual.
4. The permit holder shall ensure that holding tanks and all related piping are properly winterized to protect the effluent from freezing.

(Ord. 340, 7/9/2012)

§18-308. Holding Tank Operation and Maintenance.

1. The permit holder shall, at all times:
 - A. Operate and maintain sewage systems utilizing a holding tank so that the system will function in the manner in which it was designed; and

- B. Prevent the unlawful discharge of sewage; and
 - C. Maintain the area around the holding tank so as to provide convenient access for cleaning, pumping, inspection, maintenance, repair, and removal of the tank.
2. Pumping Receipts. Each time a holding tank is cleaned and/or pumped, the permit holder shall provide the Sewage Enforcement Officer, within five days of completion, a pumping receipt, which shall contain, at a minimum, the following information;
- A. Tax Map identification and parcel number.
 - B. Name and address of the permit holder.
 - C. Address of the tank location, if different from the permit holder's address.
 - D. Name, business address, and telephone number of the pumper.
 - E. Date of pumping.
 - F. Amount or volume of material removed from the tank.
 - G. Name, address, telephone number, and NPDES permit number of the facility treating the removed material.
 - H. The name and signature of the pumper's employee performing the services.
3. The Township may, at its discretion, place additional operational and/or maintenance requirements on any sewage system utilizing a holding tank permitted by the Township.

(Ord. 340, 7/9/2012)

§18-309. Holding Tank Maintenance Agreement and Bonding.

- 1. Pumping and Disposal Agreements. The permit holder is required to enter into a valid maintenance inspection and pumping agreement with an individual, firm, or corporation with experience in sewage holding tank maintenance and cleaning and a letter of agreement with the proposed disposal site providing the facility's NPDES permit number and verifying the facility has adequate capacity for disposal of the material removed and transported to the facility.
- 2. Bonding Requirements. The permit holder shall be required to post a cash bond with the Township in the amount of \$1 per gallon of the holding tank capacity but not less than \$1,000, per unit.

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3. The cash bond or a portion of the bond shall be forfeited to the Township on the occurrence of any of the following:
 - A. In the event the holding tank is not maintained according to the terms of the maintenance, inspection, and pumping agreement, the Township may use the bond to pay to provide for the proper servicing of the holding tank and any related costs incurred by the Township.
 - B. In the event the permit holder does not reimburse the Township for the costs associated with municipal inspections and/or tests, as provided for in §18-310 below, the Township may use the bond to pay for such expenses and any related costs incurred by the Township.
 - C. In the event the holding tank is removed by the Township either by consent of the permit holder or as a result of court action, the Township may use the bond to pay for the cost of removal and for any related costs, including but not limited to legal costs, incurred by the Township.
4. In the event the funds from the cash bond fall below 75% of the original amount for any reason, the permit holder shall be required to replenish the cash bond to its original amount, within 30 days of receipt of notice from the Township.
5. The existence or use of the bond or a portion thereof shall not relieve the permit holder of responsibility to fully reimburse the Township for any and all related fees, costs, or expenses in excess of the face amount of the bond.

(Ord. 340, 7/9/2012)

§18-310. Holding Tank Municipal Inspections and Tests.

1. The permit holder shall notify the Sewage Enforcement Officer of the installation or construction schedule for a sewage system utilizing a holding tank so the appropriate inspections and tests may be scheduled and performed by the Township.
2. The permit holder shall notify the Sewage Enforcement Officer when the installation or construction of a sewage system utilizing a holding tank is complete and ready for final inspection. Prior to the final inspection, the permit holder shall provide the Sewage Enforcement Officer with three full-sized copies of the as-built plans for the system. No part of the sewage system may be covered until the final inspection is conducted and final written approval to cover the system is given by the Township. If the system has been covered prior to final inspection, the Sewage Enforcement Officer may order the system to be uncovered at the expense of the permit holder.
3. **Municipal Inspection and Test Requirements.** The permit holder and owner shall permit the Township and its authorized agents to inspect and test, at the owner's sole cost, any sewage system utilizing a holding tank at such times as the Town-

ship deems appropriate, or at least monthly inspections of temporary holding tanks. The permit holder shall reimburse the Township for the actual costs, fees, and expenses directly related to the inspections and tests.

4. **Scope of Municipal Inspections and Tests.** Municipal inspections and testing may include but are not limited to a physical tour of the property, inspection of the sewage facilities, and all components of the sewage system, sampling surface water, wells, groundwater, and/or the contents of the system itself, and the introduction of a traceable substance into the interior plumbing of the structure, building served and/or the system itself to ascertain the path and ultimate destination of wastewater (i.e., dye test).
5. **Malfunctioning Systems.** The permit holder and Township shall notify the Sewage Enforcement Officer of any sewage system utilizing a holding tank that is suspected or reported to be malfunctioning, operated improperly or causing a nuisance, water pollution, or public health hazard. The Sewage Enforcement Officer shall inspect and/or test such system within two days of receiving such information.
6. **Inspection Reports.** The Sewage Enforcement Officer or other authorized agent(s) of the Township shall make a written inspection report and provide a copy of the report to the permit holder and Township within seven days of completion of the inspection. The report shall contain, at a minimum, the following information:
 - A. Tax Map identification, parcel number, and GPS coordinates;
 - B. Date of inspection;
 - C. Name and address of the permit holder;
 - D. Description and location of the system;
 - E. Indications of system malfunction;
 - F. Required remedial action; and
 - G. Any and all pumping receipts.
7. The Township shall retain the inspection report for five years.

(Ord. 340, 7/9/2012)

§18-311. Notice of Violations.

1. Upon finding of the Township that any provision of this Part has been violated or that the terms of any permit or agreement have been violated or that the use of the holding tank or portable toilets is creating a danger to the health, safety, and

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welfare of the inhabitants of the Township or to the environment, the Sewage Enforcement Officer shall provide the permit holder with a written notice of violation, and the use of the holding tank or portable toilets shall immediately cease and the permit holder shall take all steps required to remedy the violation (which may require but is not limited to removal of the holding tank). Notice shall be deemed given in accordance with this subsection by either mailing the notice by regular mail, postage prepaid, to the permit holder or posting of the notice on the premises.

2. If the permit holder fails to comply with the notice, the Township shall have the right to perform such necessary work or contract to have such necessary work performed to remedy the violation (which may include but is not limited to removal of the holding tank). All costs incurred by the Township, together with additional 10% thereof, shall be chargeable to and paid by the permit holder within 30 days of receipt of an invoice from the Township.

(Ord. 340, 7/9/2012)

§18-312. Administration.

1. The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of the Part.
2. The Township shall employ qualified individuals to carry out the provisions of this Part. Such employees may include a Sewage Enforcement Officer, code enforcement officer, secretary, administrator, or other persons as required. The Township may also contract with other private qualified persons or firms, as necessary, to carry out the provisions of this Part.
3. The Sewage Enforcement Officer shall maintain and provide to the Township, within seven days of completion of such activity, copies of all sewage permits, records, reports, files, and other written material relating to the installation, operation, maintenance, alteration, repair, replacement, or removal of holding tanks and portable toilets in the Township.
4. The Township's sewage records shall be available for public inspection, upon request, during normal business hours at the Township office.
5. The Township may establish additional administrative procedures necessary to properly carry out the provisions of this Part.

(Ord. 340, 7/9/2012)

§18-313. Fees.

1. The Board of Supervisors, by properly enacted ordinance or resolution, may establish and set a schedule of fees, and collect such fees, to cover the costs to the Township of administering and enforcing this Part. The fee schedule may establish different charges for various activities consistent with the administrative and personnel costs necessary to support the permit application and planning module review process and maintenance, inspection, testing and enforcement programs.
2. When engineering or consulting services are required by the Township to administer this Part, the review fees charged for such services shall be reasonable and in accordance with the ordinary and customary charges by the engineer or consultant for similar service in the community, and in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Township when fees are not reimbursed by or imposed on applicants.
 - A. In the event the applicant/permit holder disputes the amount of a review fee or charge, the applicant/permit holder shall, within 10 working days of the date of billing, notify the Township that the fees or expenses are disputed as unreasonable or unnecessary, in which case the Township shall not delay or disapprove an application for any approval or permit due to the dispute over fees or charges.
 - B. If, within 20 days from the date of billing, the Township and the applicant/permit holder cannot agree on the amount of fees or charges which are reasonable and necessary, the applicant/permit holder and Township shall jointly, by mutual agreement, appoint a qualified registered professional engineer or geologist licensed in this commonwealth to review the fees and charges and make a determination as to the amount which is reasonable and necessary.
 - C. In the event that the Township and applicant/permit holder cannot agree upon the professional engineer or geologist to be appointed within 20 days of the billing date, then, upon application of either party, the president judge of the Butler County Court of Common Pleas or, if at the time there is no president judge, the senior active judge then sitting shall appoint such engineer or geologist. The engineer or geologist shall be neither the Township's engineer or geologist nor any professional engineer or geologist nor consultant who has been retained by or performed services for the Township or the applicant/permit holder within the preceding five years.
 - D. The professional engineer or professional geologist so appointed shall hear such evidence and review such documentation as he, in his sole discretion, deems necessary and render a decision within 50 days of the billing date. The applicant/permit holder shall be required to pay the entire amount determined in the decision immediately.

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- E. The fee of the appointed professional engineer or professional geologist for determining the reasonable and necessary expenses shall be paid by the applicant/permit holder if the amount of the payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$500 or more, the Township shall pay the fee of the professional engineer or professional geologist. Otherwise, the Township and the applicant/permit holder shall each pay 1/2 of the fees of the appointed professional engineer or professional geologist.

(Ord. 340, 7/9/2012)

§18-314. Appeals and Hearings.

1. Any person aggrieved by an action of the Sewage Enforcement Officer in issuing or denying a sewage permit, or issuing a notice of violation or order, other than a permit revocation, shall have the right, within 30 days after receipt of the notice of the action, to submit a written request for a hearing before the Board of Supervisors.
2. Any person aggrieved by an action of the Sewage Enforcement Officer in revoking a permit shall have the right, within 10 days after the receipt of the notice of such action, to submit a written request for a hearing before the Board of Supervisors or the revocation action shall become final.
3. The hearing application fee, set by the Board of Supervisors by resolution and as amended from time to time, shall be fully paid to the Township at the time the written request for a hearing is submitted to the Township.
4. Hearing requests shall state concisely all reasons for the appeal.
5. The Board of Supervisors shall hold a public hearing within 30 days after receipt of the timely and complete written request for a hearing.
6. The Township shall notify PADEP of the hearing at least three days prior to the hearing date. The notification shall include a statement of the reasons for the appeal.
7. Hearing under this section shall be conducted pursuant to the Local Agency Law, 2 Pa.C.S.A. §551 et seq.
8. Any party aggrieved by the decision of the Board of Supervisors may, within 30 days after such decision, file an appeal to the Court of Common Pleas of Butler County.

9. The Township shall defend its actions during the course of a subsequent appeal to the Court of Common Pleas of Butler County or other judicial or administrative body.

(Ord. 340, 7/9/2012)

§18-315. Enforcement Procedures and Penalties.

1. Any person who shall violate any provision of this Part or who is the owner of a property on which a condition exists which constitutes a nuisance under this Part or who resists or interferes with any employee, officer, or agent of the Township in the performance of his or her duties under this Part shall be guilty of a summary offense. Upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, such person shall be sentenced to pay a fine of not less than \$500 and not more than \$5,000, plus costs, each violation shall be a per-day violation, and attorney fees, or to imprisonment not to exceed 90 days, or both.
2. A violation of any provision of this Part or the discharge of untreated or partially treated sewage to the surface of the ground or into the waters of the commonwealth, except as approved by the PADEP or permitted by the Township, shall constitute a nuisance and shall be abatable in the manner by law or equity.
3. In addition to or in lieu of criminal or civil action, the Township may institute suits in equity to restrain or prevent violations of this Part.
4. Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than the Township the right to commence an action for enforcement pursuant to this Part.

(Ord. 340, 7/9/2012)

