

BENNER TOWNSHIP  
CENTRE COUNTY, PENNSYLVANIA  
ORDINANCE NO. 73

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF BENNER  
TOWNSHIP GOVERNING MUNICIPAL MANAGEMENT OF  
ON-LOT SUBSURFACE SEWAGE DISPOSAL FACILITIES IN  
THE SPRING CREEK ROAD DRAINAGE BASIN.

AND NOW, this 4th day of January, 1999, it is hereby ordained that Chapter 18 of the Code of Ordinances of Benner Township, is amended by adding thereto Part 3 governing the management of on-lot subsurface sewage disposal facilities, as follows:

**301. Title; Introduction; Purpose.**

1. This section may be cited as the OLDS (On Lot Disposal System) Management Program for the Spring Creek Road Drainage Basin in Benner Township.
2. As mandated by the municipal codes, the Clean Streams Law (35 P.S. 691.1 to 691.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. 750.1. et. seq., known as Act 537), municipalities have the power and the duty to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for Benner Township indicates that it is necessary to formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.
3. The purpose of this Part 3 is to provide for the inspection, maintenance and rehabilitation of on-lot sewage disposal systems; to further permit the Township to intervene in situations which are public nuisances or hazards to the public health and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

**302. Terms and Definitions.**

1. General Terms. In the interpretation of this Part, the singular shall include the plural, and the masculine shall include the feminine and the neuter.
2. Specific Terms. For the purposes of this Part, the terms used shall be construed to have the following meanings:

ACT – The Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, No. 537, as amended, 35 P.S. Section 750.1 et. seq.

**ALTERNATIVE SYSTEM** – A system for the disposal of domestic wastewaters not operating below ground level but located on or near the site of the building or buildings being served (e.g., composting toilets, gray water recycling systems, incinerating toilets, spray irrigation and black water recycling systems, etc.).

**AUTHORIZED AGENT** – A licensed sewage enforcement officer, professional engineer or sanitarian, plumbing inspector, soils scientist, or any other qualified or licensed person who is delegated to function within the specific limits as the agent of the Board of Supervisors of Benner Township to carry out the provisions of the Ordinance.

**BOARD** – The Board of Supervisors of the Township of Benner, Centre County, Pennsylvania.

**CODES ENFORCEMENT OFFICER** (hereinafter called C.E.O.) – An individual employed by the Township to administer and enforce his and other ordinances in the Township.

**COMMUNITY SEWAGE SYSTEM** – Any system, whether publicly or privately owned, for the collection of sewage publicly, from two or more lots or uses, or two or more equivalent dwelling units, and the treatment and/or disposal of the sewage on one or more of the lots or at any other site and which shall comply with all applicable regulations of the DEP.

**DEP** – The Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor agency.

**DEVELOPER** – Shall be defined as any person, partnership or corporation which erects or contracts to erect a building on property owned by it with the intent to sell the building to some other party upon its full or partial completion, or upon the conveyance of property on which the building is to be built.

**EQUIVALENT DWELLING UNIT (EDU)** – For the purpose of determining the number of lots in a subdivision or land development, that part of a multiple family dwelling, commercial, industrial, or institutional establishment with sewage flows equal to four hundred (400) gallons per day.

**IMPROVED PROPERTY** – Any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

**INDIVIDUAL SEWAGE SYSTEM** – Any 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 any waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposal.

**LAND DEVELOPMENT** – A land development as defined in the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. Section 10101 et seq.

**LOT** - A designated parcel, tract, or area of land established by a plot or otherwise as permitted by law and to be used, developed or built upon as a unit.

**MALFUNCTION** – The condition which occurs when an on-lot sewage disposal system causes pollution to the ground or surface waters, contamination of private or public drinking water supplies, nuisance problems or hazard to public health. Indications of malfunctioning systems include, but are not limited to, foul odors, lush grass growing over the system, backup of wastewater in the attached buildings, soggy ground over the system, surfacing sewage effluent flowing over the ground and occurring at any time of the year.

**MANAGEMENT PROGRAM** – The management program shall encompass the Spring Creek Road Drainage serviced by sewage facilities or any other alternative system which discharges into the soils of the Township. All systems shall be operated under the jurisdiction of the Benner Township Board of Supervisors regulating the subsurface disposal and/or alternate systems, and 1-1 shows the defined area of the Management Program.

**OFFICIAL PLAN** - A comprehensive plan for the provision of adequate sewage disposal systems adopted by the Township and approved by DEP in accordance with the Act and with applicable DEP regulations.

**ON-LOT SEWAGE DISPOSAL SYSTEM** – Any sewage system disposing of sewage in whole or in part into the soil or any waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposal, and which is located upon the lot which it serves.

**OWNER** – Any person, corporation, partnership, etc. holding deed/title to lands within Benner Township.

**PERSON** – Any individual, association, partnership, public or private corporation whether for profit or not-for-profit, trust, estate, or other legally recognized entity. Whenever the term “person” is used in connection with any clause providing for the imposition of a fine or penalty or the ordering of action to comply with the terms of this Part, the term “person” shall include the members of an association, partnership or firm and the officers of any public or private corporation, whether for profit or not-for-profit.

**PLANNING MODULE FOR LAND DEVELOPMENT** – A revision to, or exception to the revision of, the Township Official Plan submitted in connection with the request for approval of a subdivision or land development in accordance with DEP regulations.

**PUMPER/HAULER** – Any person, company, partnership or corporation which engages in cleaning community or individual sewage systems and transports the septage cleaned from these systems.

**PUMPERS REPORT/RECEIPT** – Form which shall be used by all licensed Pumpers/Haulers to report each pumping of on-lot sewage disposal systems in the Township.

**REHABILITATION** – Work done to modify, alter, repair, enlarge or replace an existing on-lot sewage disposal systems in the Township.

**REPLACEMENT AREA** – An area designated as the future location of an individual on-lot sewage system that shall be installed should the initial individual on-lot system installed or to be installed fail or otherwise become inoperable and which shall meet all the regulations of the DEP and all applicable Township ordinances for an individual on-lot sewage system, and shall be protected from encroachments by an easement recorded on the Final Plan as filed with the Centre County Recorder of Deeds.

**SEPTAGE** – The residual scum and sludge pumped from septic systems.

**SEWAGE** – Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or any noxious or deleterious substance 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.

**SEWAGE ENFORCEMENT OFFICER** (hereinafter called S.E.O) – A person appointed by the Board to administer the provisions of this Part and authorized by the DEP in accordance with “Chapter 71, Administration of Sewage Facilities Program” of “Title 25, Rules and Regulations” to perform percolation tests, site and soil evaluation, and issue sewage permits for on-lot disposal systems.

**SEWAGE FACILITIES** – Any method of sewage collection, conveyance, treatment, and disposal which will prevent the discharge of untreated or inadequately treated sewage into the waters of this Commonwealth or otherwise provide for the safe and sanitary treatment of sewage.

**SINGLE AND SEPARATE OWNERSHIP** – The ownership of a lot by one or more persons which ownership is separate and distinct from that of any abutting or adjoining lot.

**SUBDIVISION** – A subdivision as defined by the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. Section 10101 et. Seq.

**TOWNSHIP** – Benner Township, Centre County, Pennsylvania.

All other definitions of words and terms in this Part shall have the same meaning as set forth in “Chapter 73, Standards for Sewage Disposal Facilities” of “Title 25, Rules and Regulations, Department of Environmental Protection.”

### **303. Applicability.**

From the effective date of this Part, its provisions shall apply to all persons owning any property in the Township serviced by an on-lot sewage disposal system and to all persons installing or rehabilitating on-lot sewage disposal systems within the Management District.

### **304. Sewage Permit Requirements.**

1. No person shall install, construct or request bid proposals for construction or alter an individual sewage system or community sewage system or construct or request bid proposals for construction or install or occupy any building or structure for which an individual sewage system or community sewage system is to be installed without first obtaining a permit indicating that the site and the plans and specifications of such system are in compliance with the provisions of the Pennsylvania Sewage Facilities Act (hereinafter called “Act 537” or “Act”) and the standards adopted pursuant to that Act.
2. No system or structure designed to provide individual or community sewage disposal shall be covered from view until approval to cover the same has been given by the municipal S.E.O. issuing the permit received notification of completion of construction, the applicant may cover said system or structure, unless permission has been specifically refused by the S.E.O.
3. The Township may required applicants for sewage permits to notify the Township’s certified S.E.O. of the schedule for construction of the permitted on-lot sewage disposal system so that inspection(s) in addition to the final inspection required by Act 537 may be scheduled and performed by the Township’s certified S.E.O. at the cost of the applicant.
4. No building or occupancy permit shall be issued by the Township or its C.E.O. for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from the Township’s certified S.E.O.
5. No building or occupancy permit shall be issued and no work shall begin on any alteration or conversion of any existing structure, if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until the Township’s S.E.O. and the structure’s Owner receive from the Township’s S.E.O. either a permit for alteration or a replacement of the existing sewage disposal system or written notification that such a permit will not be required. In accordance with Chapter 73 regulations, the certified S.E.O. shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.

6. Sewage permits may be issued only by a certified S.E.O. employed by the Township for that express purpose. The DEP shall be notified by the Township as to the identity of their currently employed certified S.E.O.
7. No sewage permit may be issued unless proof is provided the Owner of record has owned the lot since May 15, 1972, or that Act 537 planning for that lot has been provided by the Township.
8. No final Act 241 approval on the subdivision plan may begin until Act 537 planning is approved by the Township.

### **305. Ground Markers.**

Any person who shall install new or rehabilitated systems shall provide a marker or markers at ground level locating the subsurface waste disposal tank and other important components of the system requiring periodic inspection and maintenance. Requirements for marker types and locations will be determined by the Township's S.E.O. In addition, a rise or access hatch shall be constructed so as to enable easy access to the waste disposal tank, and prevent odors from escaping and to prevent children from removing the hatch. Accessibility for visual inspection and maintenance shall be provided in the drainage fields via four (4) inch vertical, non-perforated PVC pipe connected directly to the drain tile at a minimum of four (4) locations in the drainage field. If not installed by the Township or its Authorized Agent, such installation shall be subject to its approval.

### **306. Replacement Areas.**

1. Requirements
  - A. After the effective date of this Ordinance, a Replacement Area for an individual on-lot sewage system shall be required for all lots or lots to be created which are not serviced or to be serviced by a community sewage system, or which a valid permit for installation of an individual on-lot sewage system has not been issued. Lots existing prior to the effective date of this Part shall be exempt from the requirements of this Section.
  - B. The Replacement Area provided shall comply with the Act and with all regulations issued by the DEP as incorporated into this Part concerning individual on-lot sewage systems, including isolation distances, and with the terms of this Part and any other applicable Township ordinances.
2. Identification of Replacement Area
  - A. Each Applicant who shall submit a plan for the subdivision or development of land or who shall apply for a permit for the installation of an individual on-lot sewage system, or who shall request approval of a

Planning Module for Land Development or the adoption of a revision, exception to revision, or supplement to the Official Plan shall demonstrate to the satisfaction of the S.E.O. that a suitable area exists on the lot or on each lot to be created for an initial individual on-lot sewage system and for the Replacement Area. The S.E.O. shall perform or observe all tests required for the location of an individual on-lot sewage system to confirm the suitability of the Replacement Area. Allowance of open land for the Replacement Area without testing performed or observed by the S.E.O. shall not constitute compliance with the requirements of this Section.

- B. The location of the initial individual on-lot sewage system and the Replacement Area as confirmed by the S.E.O. shall be identified on the plot plans and diagrams submitted as part of the permit application.
  - C. If the application has been submitted as part of an application for subdivision or land development approval or as part of a request that the Township approve a Planning Module for Land Development or amend its Official Plan, or a request for an exception to the revision of the Official Plan, the location of each initial individual on-lot sewage system and each Replacement Area shall be noted upon the plans. If the application is for subdivision or land development approval, a note constituting a permanent easement shall be added to the plans stating that no improvements shall be constructed upon the Replacement Area, and the deed to be recorded for each lot created as part of the subdivision or land development shall contain language reflecting this limitation.
  - D. Any revisions to a permit or plan affecting a Replacement Area which previously has been approved pursuant to the provisions of this Ordinance shall be reviewed for approval by the Board or its authorized representative.
3. Construction Restrictions
- A. The easement for the Replacement Area noted upon the Plan and recorded with the Centre County Recorder of Deeds shall state that no permanent or temporary improvements of any character, other than shallow-rooted plant matter, shall be constructed upon the Replacement Area.
  - B. This provision shall be enforced by the Township unless the person who desires to construct such improvements shall demonstrate to the satisfaction of the S.E.O. that an alternate Replacement Area which complies with all applicable regulations of the DEP, this ordinance and all other applicable Township ordinances, exists upon the lot. If such an alternate Replacement Area shall be identified, the alternate Replacement Area may be considered to be the Replacement Area required by this ordinance and shall be designated as the Replacement Area. The newly

designated Replacement Area shall thereafter be considered the Replacement Area for the purposes of this Ordinance.

4. Relief from Replacement Area Requirement

- A. If any lot held in single and separate Ownership as of the effective date of this Ordinance does not contain land suitable for a Replacement Area, the Applicant submitting a Land Development Plan or a Planning Module for Land Development or desiring to install an individual on-lot sewage system may request that the Board grant an exception to the requirement of providing a Replacement Area. The Applicant for such an exception shall present credible evidence to the Board demonstrating (A) that the lot was held in single and separate Ownership on the effective date of this Ordinance; (b) the size of the lot; (c) inability of the applicant to acquire adjacent land or the unsuitability of adjacent land which might be able to be acquired; and (d) the testing conducted to determine that the lot is not suitable to provide a Replacement Area.
- B. At all times the burden to present credible evidence and the burden to persuasion shall be upon the Applicant for an exception from the terms of this Part. In no case shall any lot be exempted from the requirements of this Part.

**307. Inspections.**

- 1. Any on-lot sewage disposal system may be inspected by the Township's Authorized Agent at any reasonable time as of the effective date of this Part.
- 2. The inspection may include a physical tour of the property, the taking of samples from surface water, wells, other ground water sources, the sampling of the contents of the sewage disposal system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure. A copy of the inspection report shall be furnished to the Owner and current resident which shall include all of the following information which is reasonably available to the individual or agency responsible for pumping the septic tank: date of inspection; name and address of system Owner; description and diagram of the location of the system including location of access hatches, risers, and markers; size of tanks and disposal fields; current occupant's name and number of users; indication of any system malfunction observed; results of any and all soils and water tests; any remedial action required.
- 3. The Township's Authorized Agent shall have the right to enter upon land for the purposes of inspections described above. In the event that access to inspect the property is denied, the following steps shall be taken:



- A. The matter will be officially referred to the Board for action.
  - B. The Board may schedule a review at the next scheduled meeting of the Board or, if the situation threatens the health or safety of the residents of the Township, the Board may commence an immediate procedure to obtain a search warrant from the District Justice.
  - C. Upon receipt of a search warrant to inspect the property, the Authorized Agent of the Township shall be accompanied by an officer of the County or State Police, and the inspection shall be completed in accordance with the Subsection.
  - D. The provisions of this Subsection for obtaining a search warrant may be waived only when the Board and its Authorized Agent have reason to believe that the sewage facilities or alternative system is malfunctioning or being operated improperly such that the situation poses an immediate and substantial safety, water pollution, or health hazard.
4. An initial inspection shall be conducted by an authorized agent within two years of the effective date of this ordinance for purposes of determining the type and functional status of each sewage disposal system in the Management District. A written report shall be furnished to the owner of each property inspected and a copy shall be maintained in the Township Records.
  5. A schedule of routine inspections may be established by the Township, if necessary, to assure the proper function of the systems in the Township.
  6. The Township's Authorized Agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is malfunctioning, the Township shall take action to require the correction of the malfunction. If total correction is not technically or financially feasible in the opinion of the Township and a representative of the DEP, action by the Owner to mitigate the malfunction shall be required.
  7. There may arise geographic areas within the Township where numerous on-lot sewage disposal systems are malfunctioning. A resolution of these area-wide problems may necessitate detailed planning and a Township sponsored revision to that area's Act 537 Official Sewage Facilities Plan. When a DEP authorized Official Sewage Facilities Plan Revision has been undertaken by the Township, mandatory repair or replacement of individual malfunctioning sewage disposal systems within the study area may be delayed, at the discretion of the Township, pending the outcome of the plan revision process. However, the Township may compel immediate corrective action whenever a malfunction, as determined by Township officials and the DEP, represents a serious public health or environmental threat.

### **308. Operation.**

1. Only normal domestic wastes shall be discharged into any on-lot sewage disposal system. The following shall not be discharged into the system:
  - A. Industrial waste
  - B. Automobile oil and other non-domestic oil.
  - C. Toxic or hazardous substances or chemicals including but not limited to pesticides, disinfectants, acids, paints, paint thinners, herbicides, gasoline and other solvents.
  - D. Clean surface or ground water including water from roof or cellar drains, springs, basement sump pumps and French drains.

### **309. Maintenance.**

1. Any person owning a building served by an on-lot sewage disposal system shall have the septic tank pumped by a qualified Pumper/Hauler within two (2) years of effective date of this Part. Thereafter, that person shall have the tank pumped at least once every five (5) years. Receipts from the Pumper/Hauler shall be submitted to the Township as required in 309.6.
2. For any person providing a receipt or other written evidence showing that their tank had been pumped within three (3) years of the first year anniversary of the effective date of this Part, then the Township may delay that person's initial required pumping to conform to the general five (5) year frequency requirement.
3. The Township may allow septic tanks to be pumped out at least frequent intervals when the Owner can demonstrate to the Township that the system can operate properly without the need for pump out. Such a request may be made at any time and must be in writing with all supporting documents attached. The Township, in making its determination, shall take into account the information submitted by the applicant, the sewerage permit issued by the Township S.E.O. upon installation or rehabilitation of the system and supporting documentation, reports on inspection and maintenance of the system, and other relevant information, and may conduct an on-site inspection. The applicant shall bear the cost of any inspection, surface or subsurface, and soil or wastes sampling conducted for the purposes of evaluating the request. The applicant shall receive a decision within sixty (60) days of accumulation of all necessary information by the Township.
4. The required pumping frequency may be increased at the discretion of the Authorized Agent if the septic tank is undersized, if solids buildup in the tank is above average, if the hydraulic load on the system increases significantly above average, if a garbage grinder is used in the building, if the system malfunctions or for other good cause shown.

5. Each time a septic tank or other subsurface waste disposal system tank is pumped out, the Township, its Authorized Agent, or a private septage Pumper/Hauler, whichever provides the service, shall provide to the Owner of the subsurface waste disposal system a signed Pumpers Report/Receipt containing at a minimum the following information:
  - A. Date of pumping
  - B. Name and address of System Owner
  - C. Address of tank's location, if different from Owner's.
  - D. Description and diagram of the location of the tank, including the location of any markers, risers, and access hatches and size of the tank.
  - E. Condition of baffles.
  - F. The date existing system was installed.
  - G. Last date of pump out.
  - H. List of other maintenance performed.
  - I. Any indications of system malfunction observed.
  - J. Amount of septage or other solid or semi-solid material removed.
  - K. List of recommendations
  - L. Destination of the septage (name of the treatment facility).
6. Upon completion of each required pumping, the Township, its Authorized Agent, or a private septage waste hauler, shall fill out and submit a Pumpers Report/Receipt, copies of which shall be provided by the Township to all licensed Pumpers/Haulers. The Township's Authorized Agent or a private septage Pumper/Hauler shall provide one copy of the Pumpers Report/Receipt to the Owner and one copy of the Township. Copies must be received at the Township's business office within thirty (30) days of the date of pumping. The Pumper's Report/Receipt will include verification that the baffles in the septic tank have been inspected and found to be in good working order.
7. Any person owning a building served by an alternative system on-lot sewage disposal system which contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacture's recommendations. In no case may the service or pumping intervals exceed those for those required for septic tanks.
8. Any person owning a building served by a cesspool or dry well shall have that system pumped according to the schedule prescribed for septic tanks in 309.1.
9. The Township may require additional maintenance activity as needed including, but not necessarily limited to, cleaning and unclogging of piping; servicing and the repair of mechanical equipment; leveling of distribution boxes, tanks and lines; removal of obstructing roots or trees; the diversion of surface water away from the disposal area, etc. Repair permits issued by the certified S.E.O. must be secured for these activities.

### **310. System Rehabilitation**

1. No person shall operate and maintain an on-lot sewage disposal system in such a manner that it malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to a treatment tank. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth of Pennsylvania unless a permit to discharge has been obtained from the DEP.
2. The Township shall issue a written notice of violation to any person who is the Owner of a property in the Township which is found to be served by a malfunctioning on-lot sewage disposal system or which is discharging raw or partially treated sewage without a permit.
3. Within seven (7) days of notification by the Township that a malfunction has been identified, the Owner shall make application to the Township's certified S.E.O. for a permit to repair or replace the malfunctioning system. Within thirty (30) days of initial notification by the Township, construction of the permitted repair or replacement shall commence. Within (60) days of the original notification by the Township, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the Township shall set an extended completion date.
4. The Township's certified S.E.O. shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system; adding capacity or otherwise altering or replacing the system's treatment tank; expanding the existing disposal area; replacing the existing disposal area; replacing a gravity distribution system with a pressurized system; replacing the system with a holding tank; or other alternatives as appropriate for the specific site.
5. In lieu of or in combination with the remedies described in 310.4, the S.E.O. may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water-using devices and appliances in the structure may be required to be retrofitted with water-saving appurtenances or they may be required to be replaced by water-conserving devices and appliances. Wastewater generation in the structure may also be reduced by requiring changes in water usage patterns in the structure served. The use of laundry facilities may be limited to one load per day or discontinued altogether, etc.
6. In the event that the rehabilitation measures in 310.1 through 310.5 are not feasible or do not prove effective, the Township may require the Owner to apply for a permit to construct a holding tank in accordance with Township ordinance.

Upon receipt of said permit, the Owner shall complete construction of the system within thirty (30) days.

7. Should none of the remedies described above prove totally effective in eliminating the malfunction of an existing on-lot sewage disposal system, the Owner is not absolved of responsibility for that malfunction. The Township may require whatever action is necessary to lessen or mitigate the malfunction to the extent that it feels necessary.

### **311. Liens.**

The Township, upon written notice from the S.E.O. that an imminent health hazard due to failure of a property owner to maintain, repair or replace an on-lot sewage disposal system as provided under the terms of this Part, shall have the authority to perform or contract to have performed the work required by the S.E.O. The Owner shall be charged for the work performed and, if necessary, a lien shall be entered therefore in accordance with law.

### **312. Disposal of Septage**

1. All septage Pumpers/Haulers operating within the Township shall be licensed with the Township and shall comply with all reporting requirements established by the Township.
2. All septage originating within the municipal sewage management district shall be disposed of at sites or facilities approved by the DEP. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites, and approved farmlands.
3. Septage Pumpers/Haulers operating within the Township shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. 6018.101-6018.1003). Any septage Pumper/Hauler who violates any of the provisions of this Part or regulations of Benner Township, the conditions of its State permit, or of any State or local law governing its operation shall, upon conviction thereof, be sentenced to pay a fine not exceeding one thousand dollars (\$1,000.00) and costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. If any Pumper/Hauler shall have been convicted on two (2) occasions of any violation of this Part, or for violating the conditions of its State permit, or of any State or local law governing its operation, the Board shall have the power to suspend said Pumper/Hauler from operating within the Township for a period of not less than six (6) months or more than two (2) years for each violation, as determined by the Township. Each day the violation continues shall constitute a separate offense.

### **313. Administration.**

1. The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this Part.
2. The Township shall employ qualified individuals to carry out the provisions of this Part. Those employees shall include a certified S.E.O., a C.E.O., a secretary, administrator or other persons as required. The Township may also contract with private qualified persons or firms as necessary to carry out the provisions of this Part.
3. All permits, records, reports, files and other written material relating to the installation, operation and maintenance and malfunction of on-lot sewage disposal systems shall become the property of the Township. Existing and future records shall be available for public inspection during required business hours at the official municipal office. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the Township's OLDS Management Program shall be made available, upon request, for inspection by representatives of the DEP.
4. The Board shall establish all administrative procedures necessary to properly carry out the provisions of this Part.
5. The Board may establish a fee schedule, and subsequently collect fees, to cover the cost to the Township of administering this program.

### **314. Appeals.**

1. Appeals from decisions of the Township or its authorized agents under this Part shall be made to the Board in writing within forty-five (45) days from the date of the decision in question.
2. The appellant shall be entitled to a hearing before the Board at its next regularly scheduled meeting, if the appeal is received at least fourteen (14) days prior to that meeting. If the appeal is received within fourteen (14) days of the next regularly scheduled meeting, the appeal shall be heard at the subsequent meeting. The Township shall thereafter affirm, modify, or reverse the aforesaid decision. The hearing may be postponed for a good cause shown by the appellant or the Township. Additional evidence may be introduced at the hearing provided that it is submitted with the written notice of appeal.
3. A decision shall be rendered in writing forty-five (45) days of the date of the hearing. If a decision is not rendered within forty-five (45) days, the release sought by the appellant shall be deemed granted.

**315. Penalties.**

Any person failing to comply with any provisions of this Part shall be subject to a fine of not less than one hundred dollars (\$100.00) and costs, and not more than three hundred (\$300.00) and costs, or in default thereof shall be confined in the county jail for a period of not more than their (30) days. Each day of noncompliance shall constitute a separate offense.

**316. Repealer.**

If any section of clause of this part shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

BY THE BENNER TOWNSHIP  
BOARD OF SUPERVISORS

ATTEST: \_\_\_\_\_  
Sharon L. Royer, Secretary

\_\_\_\_\_  
Michael R. Kelleher, Chairman