

## CHAPTER 15

### SEWAGE DISPOSAL

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#### ARTICLE I

#### ON LOT SEWAGE DISPOSAL

*History: Adopted by the Board of Supervisors of Center Township as Ordinance No. 8, February 4, 1961, as amended by Ordinance No. 8A, March 2, 1968, Ordinance No. 8B, June 7, 1975, Ordinance No. 2007-06-07, June 13, 2007, Ordinance No. 2013-08-07, August 14, 2013 and Ordinance No. 2017-05-03.*

#### **§15-101. Purpose**

To establish procedures for the regulation of On Lot Sewage Disposal as set forth on Chapters 71, 72 and 73 of Title 25 of the Pennsylvania Code (Environmental).

#### **§15-102. Definitions**

- A. **INSTALLER:** Any person, approved by the Township Sewage Enforcement Officer, which engages in the business of installing on lot sewage systems.
- B. **PERSON:** Any individual, partnership, association, company, firm, trust, corporation, department, bureau, agency or other entity recognized by law as subject to right and duties.
- C. **SEWAGE:** Includes gray water and black water. Gray water is all wastewater generated from household activities, except that produced from the toilet and kitchen sink. Wastewater from the kitchen sink and toilet is black water. Both black water and gray water must be discharged into an on-lot sewage system.
- D. **SEWAGE ENFORCEMENT OFFICER:** The person or persons licensed by the State and appointed by the Board of Supervisors to inspect and approve the installation of permitted on-lot sewage systems.
- E. **SYSTEM:** Any on-lot state-approved sewage system designed and permitted for the sole purpose of renovation and disposal underground of all gray and black water produced by a single residence, mobile home, building, or occupied parcel of land not connected to public sewage.

#### **§15-103. Permits**

- A. It shall be unlawful for any person to install or cause to be installed an on-lot sewage system on any piece or parcel of ground under his/her ownership, care or control unless said person has previously applied for an on-lot sewage system permit, completed state-approved soil tests, and received a permit to install an approved system from the Township Sewage Enforcement Officer.
- B. It shall be unlawful to construct an on-lot sewage system where a public sewer line is within one hundred and fifty feet (150') of the residence, mobile home, building, plant

or occupied piece of land and the area sewer authority approves connection to the sewer line.

#### **§15-104. Installers**

Installation of on-lot sewage systems may be by:

- A. Installers who assume responsibility for the proper installation of the system design approved and permitted by the Township Sewage Enforcement Officer; or
- B. Any person who complies with the regulations of this Chapter.

#### **§15-105. Applications**

All persons wishing to install or have installed an on-lot sewage system must acquire a permit from the Township Sewage Enforcement Officer and a building permit from the Township office. A building permit shall not be issued unless the applicant submits an on-lot sewage permit when apply for the building permit. A fee shall be paid as may be established, from time to time, by Resolution of the Board of Supervisors.

#### **§15-106. New Construction**

- A. New construction must be on a minimum one-half (1/2) acre lot to use a septic tank system unless other minimums are established by the Township's Zoning regulations. On existing lots of record where the area is less than one-half (1/2) acre, location and installation of the system shall be such that it will function in a sanitary manner and will not create a health nuisance or endanger the safety of any domestic water supply.
- B. All septic tanks hereafter to be constructed shall comply with the following requirements and specifications:
  1. Three (3) bedrooms or less, a tank of nine hundred (900) gallon capacity shall be required. The tanks shall be set on solid ground.
  2. For all other uses, the capacity of the tanks shall be increased pro-rata for the proper disposal of sewage, waste matter, used water or other similar matter, and the capacity of the tank shall be determined and fixed by the political subdivision, to-wit, Center Township Supervisors, as necessary for proper disposal. The subsurface disposal field or absorption ditch shall contain a minimum area of four hundred and seventy-six (476) square feet. Under no circumstances shall rain water from roofing drains, french drains and garage drains be connected into the system and/or septic tanks subsurface disposal field. Septic tanks shall not be permitted closer than ten feet (10') from any house.
- C. Inspection:
  1. All absorption ditches and septic tanks shall be left open until passed upon and approved by the Board of Supervisors or its authorized representative.
  2. The inspection shall commence within seventy-two (72) hours after notification.
- D. Location of the disposal field shall be such as to provide not less than the stated

distances from the following:

1. Property lines - ten feet (10')
  2. Any water supply – one hundred feet (100')
  3. Dwellings - ten feet (10')
  4. Streams - fifty feet (50')
- E. Distribution box shall be of sufficient size to accommodate the necessary field. Lateral lines shall be constructed at the head of each disposal field.
1. Each field lateral line shall be connected separately to the distribution box and shall be subdivided.
  2. The invert of all outlets shall be level and the inlet invert shall be at least one inch (1") above the outlets.
  3. The outlet inverts shall be from four to six inches (4"-6") above the floor, permitting water retention to act in lieu of a baffle for the purpose of securing equal distribution.
- F. Each inspection must be certified to the Township in writing on forms provided by the Township to the Township Secretary by the inspector.

### **§15-107. Portable Chemical Toilets Required for New Construction**

No residential or nonresidential building construction shall be started without the developer, builder or owner providing an on-site portable chemical toilet facility for use by the builder's employees, contractors, subcontractors and their employees. The portable chemical toilet facility shall be maintained at all times in a sanitary and good working order. The portable chemical toilet facility shall remain on-site until construction is either completed or until indoor plumbing facilities are constructed and made available to the builder's employees, contractors, subcontractors and their employees. Failure to provide a portable chemical toilet shall result in revocation of the building permit and subject the builder to the penalties set forth in §15-209 below. In addition, failure to maintain the portable chemical toilet in a sanitary and good working order shall result in revocation of the building permit and subject the builder to the penalties set forth in §15-110 below.

### **§15-108. Existing Systems**

- A. Repair or replacement of malfunctioning or inadequate sewage systems shall require permits the same as new installations, but the specifications, if found not practical, shall be individually determined by the Township Sewage Enforcement Officer.
- B. When an existing tract of land served by an existing on lot sewage system is subdivided, the sewage system including all component parts thereof, must be entirely located within the boundary of the property which is served by the existing system. The developer must pay for an inspection and verification of same by the Township Sewage Enforcement Officer, at a fee established from time to time by Resolution of the Board of Supervisors.

**§15-109. Complaints**

- A. Complaints of malfunctioning or inadequate sewage systems must be in writing to the Township Secretary who shall forward the complaint to the Township Sewage Enforcement Officer for investigation.
- B. Upon investigation, the Sewage Enforcement Officer may at his discretion complete a dye test on both the complaint's on-lot sewage system and the on-lot sewage system of the person named in the complaint.
- C. In the event that an existing septic system does not function in a sanitary manner so as to create a public health problem, upon any filed complaint, in writing, it shall be the duty of the Township Sewage Enforcement Officer to provide written notice to the offending person to make the necessary changes within thirty (30) days, in order to make said septic system conform to the requirements and specifications of this Article. Upon failure so to comply within the said thirty (30) day period, such persons shall be deemed to have violated the provisions of this Article.

**§15-110. Violations and Penalties**

Any person violating the provisions of this Article shall be liable upon conviction thereof before a District Justice and be fined a sum of no less than five hundred dollars (\$500.00) not to exceed five thousand dollars (\$5,000.00) for each and every offense, or in default of the payment of the fine and costs, such person willfully in default, shall be committed to the Butler County Prison for a period not to exceed thirty (30) days. Each and every day that any violation of the provisions hereof exists or continues shall constitute a separate and distinct offense and shall be subject to separate and distinct penalties hereunder.

## ARTICLE II

### SEWAGE RETAINING TANKS

*History: Adopted by the Board of Supervisors of Center Township as Ordinance No. 2006-05-02, as amended by Ordinance No. 2013-08-07, August 14, 2013 and Ordinance No. 2017-01-01, January 3, 2017.*

#### **§15-201. Title**

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

#### **§15-202. Authority**

This Ordinance is adopted pursuant to the authority set forth in the Pennsylvania Sewage Facilities Act, Act 537, 35 P.S. §§ *et seq.*, the Pennsylvania Clean Streams Law, 35 P.S. §§65101, *et seq.*

#### **§15-203. Purpose**

- A. The purpose of this Ordinance 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 Ordinance 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.

#### **§15-204. Applicability**

This Ordinance shall apply to the installation of holding tanks and multiple portable toilets on a single site within the corporate limits of Center Township, Butler County, Pennsylvania. Upon this Ordinance becoming effective, it effectively revokes Ordinance Number 2013-08-07 as the prior Holding Tank Ordinance.

#### **§15-205. Definitions**

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

- A. **ACT 537** - The Pennsylvania Sewage Facilities Act, 35 P.S. §§750.1, *et seq.*, as amended
- B. **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.
- C. **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 eighteen (18) months from the date the permit was issued and are not renewable.

- D. **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.
- E. **OWNER** -Any person vested with ownership, legal or equitable, sole or partial, of any property located in the corporate limits of Center Township, Butler County, Pennsylvania .
- F. **PADEP** – The Pennsylvania Department of Environmental Protection or any successor department or agency of the Commonwealth of Pennsylvania.
- G. **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.
- H. **PORTABLE TOILET (Chemical toilet)** – A portable non-flushing toilet using chemical treatment in the retaining tank for odor control.
- I. **PUMPER** – Any person properly licensed or certified by the Commonwealth of Pennsylvania who engages in pumping-out sewage holding tanks and transport the sewage cleaned, removed, or extracted from such systems.
- J. **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.
- K. **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 ordinance, 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 ordinance. The term shall include the Alternate Sewage Enforcement Officer.

L. **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.

M. **TOWNSHIP** -Center Township, Butler County, Pennsylvania

### **§15-206. Permits Required**

- A. A sewage permit issued by the Township is required prior to the construction or installation of any permanent or temporary sewage holding tank.
- B. A sewage permit issued by the Township is required prior to the installation of four (4) or more portable toilets at a single construction site, natural gas or oil well drilling site, recreational or sporting activity, or seasonal facility.
- C. Permanent sewage holding tanks shall only be used in lieu of other methods of sewage disposal only when an acceptable on-lot system or public sewage disposal cannot be used (i.e. only after all other viable options are eliminated).
- D. Permanent sewage holding tanks shall only be permitted:
  - 1. For institutions, recreational vehicle dump stations or commercial establishments with a sewage flow of less than 800 gallons per day; or
  - 2. When the use is necessary to abate a nuisance or public health hazard.
- E. Temporary sewage holding tanks shall only be permitted:
  - 1. At a construction site, natural gas or oil well drilling site or recreational or sporting activity with a flow of 800 gallons per day or less; or
  - 2. When necessary to abate a nuisance or public health hazard.
- F. Four (4) or more portable toilets installed at a single construction site, natural gas or oil well drilling site, recreational or sporting activity, shall be covered by one sewage permit. ADA portable toilets are strongly recommended.
- G. Three (3) or less portable toilets installed at a construction site, natural gas or oil well drilling site, recreational or sporting activity, is exempt from sewage permit requirements.
- H. Sewage permits for permanent holding tanks shall expire and such tanks shall be abandoned and removed once public or community sewage facilities become available.
- I. Sewage permits issued for portable toilets or temporary holding tanks shall expire no later than eighteen (18) months from the date the permit was issued and are not renewable.
- J. 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.

- K. 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.
- L. The sewage enforcement officer shall issue or deny a sewage permit within seven (7) 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 (7) days of receipt of the application. When the required information is received, the sewage enforcement officer shall act upon the application within fifteen (15) days.
- M. The sewage enforcement officer shall be authorized to issue a permit for a sewage system utilizing a permanent holding tank only where the sewage enforcement officer has personally conducted, observed or otherwise confirmed in a manner approved by the PADEP all site tests and inspections necessary to determine the suitability of the site for the installation of a sewage holding tank. The sewage enforcement officer shall accept testing and inspections conducted by a prior sewage enforcement officer for the Township.
- N. 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:
  - 1. 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
  - 2. 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
  - 3. 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
  - 4. 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
  - 5. 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.
- O. 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 fifteen (15) days of receipt, or within thirty (30) days of receipt of all required supplemental information, the applicant may request a hearing before the Board of Supervisors.
- P. 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 (7) days of issuance.
- Q. Revocation of Permits – The sewage enforcement officer may revoke a sewage permit at any time for one or more of the following reasons:
1. When a change has occurred in the physical conditions of any lands which will materially affect the sewage system; or
  2. When one or more tests material to the issuance of the permit has not been properly conducted; or
  3. When information relevant to the issuance of the permit has been falsified; or
  4. 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
  5. When the permit holder has violated Act 537, the regulations and standards adopted pursuant to Act 537, or the requirements of the permit; or
  6. The permit holder has failed or refuses to comply or to continue to comply with any of the provisions of this ordinance.
- R. **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 it is intended or portable toilets until a new permit is issued or the revocation is reversed on appeal.
- S. If the permit holder fails to file a written request for a hearing within ten (10) days after receipt of the notice of revocation, the revocation shall be final.
- T. 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.

### **§15-207. Holding Tank: Construction Standards**

- A. 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 (24 Pa. Code § 73.62, relating to standards for holding tanks) as may be amended from time to time.
- B. The minimum capacity of a holding tank shall be 1,000 gallons or a volume equal to the quantity of waste generated in three (3) days per unit, whichever is larger.
- C. 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.
- D. The permit holder shall ensure that holding tanks and all related piping are properly winterized to protect the effluent from freezing.

### **§15-208. Holding Tank: Operation and Maintenance**

- A. The permit holder shall, at all times:
  - 1. Operate and maintain sewage systems utilizing a holding tank so that the system will function in the manner in which it was designed; and
  - 2. Prevent the unlawful discharge of sewage; and
  - 3. Maintain the area around the holding tank so as to provide convenient access for cleaning, pumping, inspection, maintenance, repair, and removal of the tank.
- B. Pumping Receipts – Each time a holding tank is cleaned and/or pumped, the permit holder shall provide the sewage enforcement officer, within five (5) days of completion, a pumping receipt, which shall contain at a minimum the following information:
  - 1. Name and address of the permit holder.
  - 2. Address of the tank location, if different from the permit holder's address.
  - 3. Name, business address, and telephone number of the pumper.
  - 4. Date of pumping.
  - 5. Amount or volume of material removed from the tank.
  - 6. Name, address, telephone number, and NPDES permit number of the facility treating the removed material.
  - 7. The name and signature of the pumper's employee performing the services.

The Township may, at its discretions, place additional operational and/or maintenance requirements on any sewage system utilizing a holding tank permitted by the township.

### **§15-209. Holding Tank: Maintenance Agreement and Bonding**

- A. 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.

- B. Bonding Requirements – The permit holder shall be required to post a cash bond with the Township in the amount of one dollar (\$1.00) per gallon of the holding tank capacity but not less than one thousand dollars (\$1,000.00), per unit.
- C. The cash bond or a portion of the bond shall be forfeited to the Township on the occurrence of any of the following:
  - 1. 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.
  - 2. 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 Section 10, below, the Township may use the bond to pay for such expenses and any related costs incurred by the Township.
  - 3. 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.
- D. In the event the funds from the cash bond fall below seventy-five percent (75%) of the original amount for any reason, the permit holder shall be required to replenish the cash bond to its original amount, within thirty (30) days of receipt of notice from the Township.

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.

### **§15-210. Holding Tank: Municipal inspections and Tests**

- A. 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.
- B. 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 (3) 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.

- C. **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 Township 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.
- D. **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, ground water, and/or the contents of the system itself, and the introduction of a traceable substances into the interior plumbing of the structure, building served and/or the system itself to ascertain the path and ultimate destination of waste water (i.e. dye test)
- E. **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 (2) days of receiving such information.
- F. **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 (7) days of completion of the inspection. The report shall contain at a minimum the following information:
1. Date of inspection;
  2. Name and address of the permit holder;
  3. Description and location of the system;
  4. Indications of system malfunction;
  5. Required remedial action; and
  6. Any and all pumping receipts.
- G. The Township shall retain the inspection report for five (5) years.

### **§15-211. Notice of Violations**

- A. Upon finding of the township that any provision of this ordinance 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 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.

- B. 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 thirty (30) days of receipt of an invoice from the Township.

### **§15-212. Administration**

- A. The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of the ordinance.
- B. The Township shall employ qualified individuals to carry out the provisions of this ordinance. 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 ordinance.
- C. The sewage enforcement officer shall maintain and provide to the Township, within seven (7) 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.
- D. The Township's sewage records shall be available for public inspection, upon request, during normal business hours at the Township office. except as may be restricted by the Right to Know Act.
- E. The Township may establish additional administrative procedures necessary to properly carry out the provisions of this ordinance.

### **§15-213. Fees**

- A. 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 ordinance. 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.
- B. When engineering or consulting services are required by the Township to administer this ordinance, 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.

#### **§15-214. Appeals and Hearings**

- A. 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 thirty (30) days after receipt of the notice of the action, to submit a written request for a hearing before the Board of Supervisors.
- B. Any person aggrieved by an action of the sewage enforcement officer in revoking a permit, shall have the right, within ten (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.
- C. 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.
- D. Hearing requests shall state concisely all reasons for the appeal.
- E. The Board of Supervisors shall hold a public hearing within thirty (30) days after receipt of the timely and complete written request for a hearing.
- F. The Township shall notify PADEP of the hearing at least three (3) days prior to the hearing date. The notification shall include a statement of the reasons for the appeal.
- G. Hearing under this section shall be conducted pursuant to the Local Agency Law, 2 Pa.C.S. §§551, *et seq.*
- H. Any party aggrieved by the decision of the Board of Supervisors may, within thirty (30) days after such decision, file an appeal to the Court of Common Pleas of Butler County.
- I. The Township shall defend its actions during the course of a subsequent appeal to the Court of Common Pleas of Butler County.

#### **§15-215. Enforcement Procedures and Penalties**

- A. Any person who shall violate any provision of this ordinance or who is the owner of a property on which a condition exists which constitutes a nuisance under this ordinance or who resists or interferes with any employee, officer, or agent of the Township in the performance of his or her duties under this ordinance, 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 five hundred dollars (\$500.00) and not more than five thousand dollars (\$5,000.00), plus costs, each violation shall be a per day violation, and attorney fees and costs, or to imprisonment not to exceed thirty (30) days, or both.

- B. A violation of any provision of this ordinance 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.
- C. 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 ordinance.
- D. 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 ordinance.

### ARTICLE III

## SANITARY SEWER LINE CONNECTIONS

*History: Adopted by the Board of Supervisors of Center Township as Ordinance No. 24, September 3, 1977, as amended by Ordinance No. 01-5-2, May 2001 and Ordinance No. 2004-12-11, December 8, 2004.*

#### **§15-301. Connection Required**

Every owner of property in the municipality benefited, improved and accommodated by any public sanitary sewer presently in existence, or which may be hereafter constructed, shall connect directly or indirectly to the sewer system, at their own cost, the house, building or other structures located on the property with said public sanitary sewers for the purpose of disposing of all acceptable sanitary sewage emanating from said property.

#### **§15-302. Abandonment of On-Lot Disposal Required**

It shall be unlawful for any owner, leasee, or occupier of any property in the municipality benefited, improved or accommodated by a public sanitary sewer to employ any means either by septic tank, cesspool, privy vault, mine hole or otherwise, for the disposal of acceptable sanitary sewage other than into and through the said public sanitary sewers.

#### **§15-303. Erection of On-Lot Disposal Receptacles Prohibited**

It is hereby declared unlawful to dispose of sewage in any privy vault, cesspool, septic tank, mine hole or similar receptacle for human excrement and no such on-lot disposal system shall be connected with any public sanitary sewers.

#### **§15-304. Notice to Connect**

Where any house, building, or structure in the municipality is benefited, improved or accommodated by any public sanitary sewer, it shall be unlawful to use any method of disposal of acceptable sanitary sewage other than through said public sanitary sewers. It shall be the duty of the municipality or any operating authority within the municipality to notify the owner-leasee, or occupier of the structure, in writing or by personal service, certified or registered mail, to disconnect the same and make proper connection for the discharge and disposal of all acceptable sanitary sewage into the public system so hereinafter provided within sixty (60) days after receipt of such notice. Any owner or leasee or occupier who cannot comply with the provisions of this Chapter as to connection within the sixty (60) days period due to causes beyond his control (but not monetary causes) shall apply within the sixty (60) day period for a time extension not to exceed six (6) months in duration from the date of notice upon the following conditions. The application shall be on a form to be furnished which contains an agreement on the part of the applicant that he shall commence and agree to pay the regular monthly charges made to those using the public sewer in the municipality even though actual connection to the public sanitary sewer will not be accomplished until some stated later date within the said extension period.



**§15-305. Failure to Connect After Notice**

If the owner or occupier of any house, building or structure in the municipality shall neglect or refuse to comply with the provisions of this Chapter after written notice as prescribed in the previous Section, the municipality or the operating authority may perform or cause to be performed such work and labor and finish or cause to be finished such material as may be necessary to comply with the provisions of this Chapter at the cost and expense of such owner or occupier together with a ten percent (10%) additions thereto and all charges and expense incidental thereto, which sums shall be collected from said owner or occupier as debts by law are collected or the municipality or the operating authority may file a municipal claim and lien therefore against the property as provided by law.

**§15-306. Connecting Regulations**

It shall be illegal for any person, firm, or corporation to cause to be made any connection with any public sanitary sewer until he has fulfilled all the following conditions:

- A. He shall make application to the municipality or the operating authority for a permit to connect to the sanitary sewer and provide the information required by the application furnished and among other things, shall state the character and use of such structures erected on the property.
- B. He shall pay to the operating authority a connection fee and tapping for fee surcharges and service charges in accordance with the rules and regulations of the operating authority in effect at the time the charges incurred, which charges will be uniform throughout the municipality.
- C. No work shall be commenced before the payment of the connection fee and tapping fee as provided by the rules and regulations of the operating authority.
- D. Notice shall be given to the designated inspector of the municipality or the operating authority at least twenty-four (24) hours before the connection shall be made so that all work may be approved as to materials and manner of connecting to the public sewer, which approval will be endorsed by the inspector on the date approved on the permit in the possession of the permittee.
- E. At the time of inspection of the connection, the owner or contractor shall permit the inspector full and complete access to all sanitary and drainage areas and facilities in each building and in and about all parts of the property. No building sewer lines shall be covered over or in any manner concealed until after it is inspected and approved by the inspector and after inspection it shall be unlawful for the owner or contractor to make any change thereby.

**§15-307. Service Line Specifications and Regulations**

The construction, number and size of all building sewer lines or house service sewers shall be done, in accordance with the specifications, plans and procedures of the operating authority as set forth in the rules and regulations.

**§15-308. Unlawful Use of Sanitary Sewers**

It shall be unlawful for any person, firm or corporation connected to any aforementioned public sanitary sewers to connect any surface or underlying stream of water, roof drains, foundation drains, spring water or any unacceptable sewage or industrial waste or any water drainage from any property other than that for which the permit is issued.

**§15-309. Definitions**

"Unacceptable Sanitary Sewage" and other terms used herein for the purpose of this Article shall have the same meaning as when used in the rules and regulations of the Butler Area Sewer Authority and said rules and regulations of the Butler Area Sewer Authority are to be made applicable to all users of the aforementioned sanitary sewers.

**§15-310. Penalties**

In addition to any penalty herein prescribed, any person, firm, or corporation failing to make a proper connection within the time specified after receipt of proper notice as provided herein shall, upon conviction hereof before the District Justice, pay a fine or penalty of fifty dollars (\$50.00) for each day in violation and for violating any other provisions of this Article shall pay a fine or penalty of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00), and in default of payment of either thereof, be sentenced to undergo an imprisonment of not less than five (5) days nor more than thirty (30) days in the County Jail. Each day that a violation continues shall be considered a separate offense. Any and all fines are hereby made a charge against the property and a lien thereon which may be collected under the Municipal Claims Law of the Commonwealth of Pennsylvania.

**§15-311. Enforcement**

The Butler Area Sewer Authority (Authority) its officers, employees, successors and assigns, are hereby designated as the agent for this Article. The Authority is empowered and authorized to take any and all lawful, necessary actions in the name of the Township to enforce the obligations and prohibitions of said Article.

## ARTICLE IV

### SANITARY SEWER CERTIFICATION

*History: Adopted by the Board of Supervisors of Center Township as Ordinance 03-12-8, December 2003, as amended by Ordinance No. 2004-12-11, December 8, 2004.*

#### §15-401. Definitions

- A. **Televising, Dye and/or Smoke Testing and Inspection:** Any commonly accepted method of testing and inspection wherein a television camera, dye and/or smoke is introduced into the storm, surface, ground or subsurface water collection system, down spouts or sanitary sewer lateral connection of real estate property to determine if any illegal stormwater or surface water or infiltration of ground or subsurface water is entering the sanitary sewer system.
- B. **Document of Certification, Evidence of Compliance:** An official statement from Butler Area Sewer Authority (BASA) stating that there was, at the time of inspection and testing, no evidence of any illegal stormwater and surface water connections and infiltration of ground or subsurface waters on the specific property which is being sold, transferred, assigned, mortgaged or refinanced.
- C. **Illegal Stormwater and Surface Water Connections and Infiltration of Ground or Subsurface Waters:** The connection or presence of any basement seepage, stormwater, surface water, drains, down spouts, roof drainage, or infiltration of ground or subsurface waters into the sanitary sewer system.
- D. **Sewage:** As defined under the Pennsylvania Sewage Facilities Act, 35 P.S. §750.2, 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 supply or for recreation, or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No. 394, also known as the Clean Streams Law, as amended, 35 P.S. §§691.1 et seq.)
- E. **Municipal Lien Letter:** A written letter from officials of BASA concerning municipal liens for public sanitary sewer service and charges related thereto.
- F. **Person:** Any person, syndicate, associate, partnership, firm, corporation, institution, agency, authority or other entity recognized by law as the subject of rights and duties.

#### §15-402. Designation of BASA as Agents for the Township

The Township has, by Section 15-311, designated BASA, its officers, employees and agents, as agents for the Township to identify, report and require the disconnection of any illegal stormwater and surface water connections and infiltration of ground or subsurface waters, at any time prior to or from the effective date of this Chapter, to the BASA sanitary sewer system, and for such purpose, BASA, its officers, employees and agents are authorized to enforce, consistent with this Chapter and the Chapters in effect within the Township with respect to

illegal stormwater and surface water connections and infiltration of ground or subsurface water to the sanitary sewers.

### **§15-403. Sale, Transfer, Mortgaging or Refinancing Without Evidence of Compliance Prohibited**

After the effective date of this Chapter, it shall be unlawful for any person:

- A. To sell or transfer any real estate within the Township of Center on which a building or improvement exists which is connected to the BASA sanitary sewer system, when such sale or transfer is subject to taxation under the Realty Transfer Tax Act, 72 P.S. §§8101-C *et seq.*, as may be amended, and the corresponding regulations of the Department of Revenue; or
- B. To mortgage or refinance any real estate within the Township of Center on which a building or improvement exists which is connected to the BASA sanitary sewer system when such mortgage or refinancing is for the purpose of acquiring title to, or improving, modifying, repairing, or rehabilitating any such real estate which requires a building permit under the Township's Building Code, without first delivering to the purchaser, transferee, mortgagee or person or institution providing financing or refinancing, a Document of Certification from the proper officials of BASA.

### **§15-404. Evidence of Compliance, Document of Certification, Application**

- A. Any person selling, transferring, mortgaging, or refinancing real estate located within the Township of Center (hereinafter "Applicant") and subject to the requirements set forth in Section 15-403 above shall make application on a form furnished by the BASA at least fourteen (14) days before the date of sale, transfer, mortgaging or refinancing together with payment of a fee to be set by the Township by resolution of the Board of Supervisors. BASA shall schedule, within fourteen (14) days of receipt of the application, an inspection and televising, dye and/or smoke test on the property to be sold, transferred, mortgaged or refinanced, said televising, dye or smoke testing to involve the use of nontoxic, non-staining dye or smoke. BASA shall complete the appropriate portions on the form that the property lateral and facilities have been inspected and televised, and/or smoke tested, and certify the results of such test. In the event that there was, at the time of inspection and testing, no evidence of illegal connections, devices, or conditions causing or permitted storm or surface water, or infiltration of ground or subsurface waters, to enter the sanitary sewer system, BASA shall issue a Document of Certification.
- B. When an illegal connection, device, or condition, which causes or permits storm or surface water or the infiltration of ground or subsurface water to enter into the BASA sanitary sewer system is discovered by the means of the above-mentioned inspection and testing, no Document of Certification will be issued until the illegal connections devices, or conditions are removed, inspected and approved by BASA. BASA shall have the authority to permit BASA and the applicant, purchaser, transferee, mortgagor, mortgagee and any other appropriate person to enter into an escrow agreement to provide adequate assurance to BASA that the necessary actions will be taken to remove

the illegal connection, device, or condition and to eliminate the illegal stormwater and surface water connections and infiltration of ground or subsurface waters from entering into the BASA sanitary sewer system.

- C. Testing will not be required when the application process reveals that a valid Document of Certification with respect to the specific tax parcel has been issued by BASA in accordance with this Ordinance within a period of five (5) years from the date of application.

### **§15-405. Inspection of Sanitary Sewer Status Prior to Sale, Transfer, Mortgage or Refinancing of Real Estate**

- A. In addition to the requirements set forth in Section 15-403 and 15-404 of this Chapter of the Township, any person selling, transferring, mortgaging or refinancing real estate located within the Township which is connected to the BASA sanitary sewer system must subject such person's real property to prior inspection, including inspection of interior premises of any building or residence, by authorized representatives of BASA, between the hours of 7:00 a.m. and 9:00 p.m., prevailing time, and upon seven (7) days' written advance notice to the person selling such real estate, to determine the presence of any illegal connection, device (e.g., a sump pump), or condition, which causes or permits storm or surface water or the infiltration of ground or subsurface water to enter into the BASA sanitary sewer system. Such person shall not be issued a Document of Certification until:
1. Such inspection and testing has been performed and has revealed no evidence that a connection, device, or condition exists which causes or permits storm or surface water or the infiltration of ground or subsurface water to enter into the BASA sanitary sewer system and a follow-up inspection verifies that such connection, device or condition found to be previously in operation or existence has been disconnected and removed; or
  2. An escrow agreement satisfactory to BASA has been executed and a follow-up inspection of the illegal connection, device or condition identified in such agreement verifies that such connection, device or condition found to be previously in operation or existence has been disconnected and removed.

### **§15-406. Written Reports of and Required Repairs of Deteriorating Laterals and Sewer Service Connections**

BASA is authorized in the course of its program of inspection and testing of privately and publicly owned facilities within the Township, when it identifies deteriorating sewer service laterals or other connections, devices or conditions which cause or permit inflow of storm and surface waters or infiltration of ground or subsurface waters into the publicly owned facilities of the BASA sanitary sewer system, to provide written notice to the property owner or owners as to the condition of such laterals and sewer service connections, devices or conditions, together with a statement that such deteriorating laterals and sewer service connections, devices or conditions, must, at the property owner's expense, be promptly repaired, replaced or rehabilitated. A copy of all written reports of deteriorating laterals and sewer service

connections shall be kept on file and shall be used in determining whether certificates can issue.

### **§15-407. Powers of BASA**

- A. BASA, its officers, employees and agents in performing its duties and authorized functions under this Article, shall be empowered, subject to the requirements set forth below, to enter upon any private property at all reasonable times between the hours of 7:00 a.m. and 9:00 p.m., prevailing time, with seven (7) days' written advance notice to the owner, lessee or occupier (unless exigent circumstances require otherwise) for the purpose of obtaining information, conducting routine or systemic inspections, and televising, dye and/or smoke testing, and/or enforcing this Article, and shall have only those powers expressly set forth in this Article and in other Chapters of the Township Codified Ordinances or provided by law to perform its functions consistent with such Chapters and laws. BASA shall first seek permission from the owner, lessee or occupier of such real estate to enter upon the property to obtain information, conduct inspections and/or enforce this Article. In the event that permission is not granted by the owner, lessee or occupier of the property, BASA shall make appropriate application to the Court of Common Pleas for authorization to enter upon the property for such purposes.
- B. In the event the owner of the premises is unable or fails to effect the necessary remedial work within the time permitted, including any extension thereof, or BASA determines that a public health hazard exists, BASA may undertake to have the necessary remedial work completed by its employees or a third-party at the expense of the owner, lessee or occupier of the premises, and to make any necessary arrangements for the payment of such work by the owner, lessee or occupier of the premises on an installment basis, which arrangements shall be mutually satisfactory to the owner, lessee or occupier. Under such circumstances, in the event satisfactory arrangements are not agreed upon by the BASA and the owner, lessee or occupier, the BASA may file a lien against such property.
- C. BASA is hereby authorized to conduct, by written advance notice, random and/or periodic inspection and televising, dye and/or smoke testing, and any other appropriate test or inspection, without cost to the residents of the Township, of all existing sanitary sewer systems and structures in the Township for compliance with this Article and other laws pertaining to sanitary sewer systems and structures. Such testing will not be required when the owner, lessee or occupier of the land produces a valid Document of Certification issued by BASA in accordance with this Article, which Document of Certification shall be sufficient proof of compliance for the purpose of this Article, for a period of two (2) years from the date of issuance.
- D. When illegal stormwater or surface water connections or infiltration of ground or subsurface water or conditions have been discovered, all necessary remedial work to correct such connection shall be completed by the owner, lessee or occupier of the premises, weather permitting, within sixty (60) days of the date such party receives notification of the illegal device, connection or condition.

- E. In the event the necessary remedial work would create extraordinary economic hardship for the owner, lessee or occupier of the premises, application may be made to BASA for an extension of up to an additional six (6) months to complete said remedial work. An extraordinary hardship shall be determined by the Board of BASA, upon consideration of the cost of the remedial work, the financial means of the owner(s) and other factors which the Board may determine to be relevant.
- F. BASA shall also have the power to institute suit in equity to restrain, prevent, remove or correct any connection, device, or condition from and/or to the sanitary sewer system.

**§15-408. Powers Conferred Herein are in Addition to All Other Powers and Responsibilities of BASA**

The powers conferred by the within Article of the Township shall be in addition to and not in substitution for any powers conferred upon BASA to enforce and require the elimination of illegal stormwater and surface water connections or infiltration of ground or subsurface water to the BASA sanitary sewer system.

**§15-409. Rules and Regulations**

BASA is hereby authorized, empowered and directed to make rules and regulations for the operation and enforcement of this Chapter as it deems necessary, which shall include, but not be limited to:

- A. Establishing acceptable forms of security, guarantees, and escrow agreements;
- B. Establishing the form of application; and
- C. Establishing such other rules and regulations, consistent with this Chapter, as are necessary for the operation and enforcement of this Chapter.

In the event that BASA determines that any rule or regulation is required, it shall give the Township at least sixty (60) days' written notice prior to its adoption and implementation by the BASA Board.

**§15-410. No Conflict with General Police Powers**

Nothing in this Chapter shall limit, in any fashion whatsoever, the Township's rights to enforce its Codes or the laws of the Commonwealth of Pennsylvania. Nothing in this Article shall be a defense to any citation issued by any municipal corporation or the Commonwealth pursuant to any other law or ordinance.

**§15-411. Violation Penalties; Appeal of Finding of Illegal Connection, Device, or Condition**

- A. Any person, firm, corporation or entity which is found to have violated any sewage-related Township Code enforced by BASA and/or the Township. or who willfully violated or failed to comply with any provision of this Chapter and the orders, rules, regulations and permits issued hereunder, shall pay a fine of not less than one hundred dollars (\$100.00) or no more than the maximum penalty permitted by the Second Class Township Code of one thousand dollars (\$1,000.00) per violation, 53 P.S. §66601(c)(2),

as may be amended, following adjudication by a Judge of the Court of Common Pleas. Each day on which a violation shall occur or continue to occur shall be deemed a separate and distinct violation. In addition to the penalties provided herein, BASA and/or the Township may recover penalties, damages, costs, reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person or user found to have violated this Ordinance or the orders, rules, regulations and permits issued hereunder. Fines made imposed hereunder shall be made payable to Center Township Treasurer and then remitted to BASA.

- B. BASA shall also have the power to institute suit in equity to restrain, prevent or correct any illegal connection, device, or condition which causes or permits storm or surface water or the infiltration of ground or subsurface water to enter into the BASA sanitary sewer system.
- C. Upon final adjudication that a violation of this Article exists and refusal or failure to act by the property owner to undertake the repair, replacement or rehabilitation identified by written notice as herein provided, BASA shall have the right to enter onto the subject property to conduct the necessary work to bring the property into compliance with this Article at the expense of the property owner and further, upon failure of the property owner to pay said expense, BASA shall have the right to file a lien against the subject property for the amount of said expense, together with the costs of filing and perfecting such lien.
- D. Any applicant, purchaser, transferee, mortgagor, mortgagee or other person aggrieved by an initial determination by BASA personnel that an illegal connection, device or condition exists on real estate shall be permitted to file a request for a hearing before the Butler Area Sewer Authority's Board of Appeals. Any request for a hearing must be received by BASA within thirty (30) days of the date of BASA's notification to the Applicant, purchaser, transferee, mortgagor, mortgagee or other person that an illegal connection, device or condition exists. The hearing before the Board of Appeals shall be governed by applicable provisions of the Local Agency Law, 2 PA C.S. §§ 101 et seq., and a right of appeal from the determination of the Board of Appeals shall be permitted in accordance with the Local Agency Law.
- E. The Board of Appeals shall be empowered solely to determine whether or not any illegal connection, device or condition exists on the property. The Board of Appeals shall consist of two (2) available members of the BASA Board and a third member appointed to the Board of Appeals by the governing body of the municipality wherein the property is the subject of the appeal is situated. If any municipality does not appoint a member to the Board of Appeals, a vacancy exists in any such appointment, or a member appointed is otherwise not available, the third member of the Board of Appeals shall be a member appointed by another municipality within the service area of BASA, or if no such member is available, the third member of the Board of Appeals shall be an available member of the BASA Board. No appointee of any municipality to the Board of Appeals shall be involved in any inspection of property on behalf of the municipality



or be engaged in the business, trade or occupation of performing plumbing or sewer line installation or repairs.