

HOLDING TANK & PRIVY ORDINANCE

SHENANGO TOWNSHIP, LAWRENCE COUNTY, PENNSYLVANIA

ORDINANCE NO. 1-2003

AN ORDINANCE OF SHENANGO TOWNSHIP, LAWRENCE COUNTY, PENNSYLVANIA, TO ALLOW FOR THE USE OF HOLDING TANKS AND PRIVYS FOR SEWAGE DISPOSAL, TO REGULATE THEIR USE, TO PROVIDE REMEDIES AND PENALTIES FOR VIOLATIONS.

AND NOW, this 13TH day of NOVEMBER, 2003, the Supervisors of Shenango Township, Lawrence County, Pennsylvania, do hereby enact and ordain as follows:

WHEREAS, the Board of Supervisors of Shenango Township desire to provide for sewage system alternatives for various residential, institutional, recreational, and commercial establishments; and

WHEREAS, under the Pennsylvania Sewage Facilities Act, Act 537 of 1965, as amended, and regulations promulgated thereunder by the Department of Environmental Protection, the Township has authority to allow for holding tanks and privys to be used for sewage disposal, and the duty to regulate them if allows; and

WHEREAS, the Township believes that allowing for the use of holding tanks and privys as a form of sewage disposal under limited circumstances in compliance with current DEP regulations is necessary and appropriate for the preservation of the health, safety and welfare of the citizens of Shenango Township.

NOW, THEREFORE, be it enacted and ordained by the Board of Supervisors of Shenango Township, Lawrence County, Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1. Title. This Ordinance shall be known as the Shenango Township Holding Tank and Privy Ordinance.

Section 2. Definitions. Unless the context clearly and specifically indicates otherwise, the meaning of the terms used in this Ordinance shall be as follows:

"Commercial Use" - shall include any buildings, structures or facilities used solely for commercial, manufacturing, professional service or similar business use and shall include no facility used for residential purposes.

"Holding Tank" - shall mean 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.

"Institutional Use" - shall include buildings, structures, or facilities such as municipal buildings, fire halls, libraries, museums, grange halls, churches, or other similar kind of public uses, but shall not include uses such as schools or hospitals.

"Owner" - shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

"Person" - shall mean any individual, partnership, company, association, corporation or other group or entity.

"Privy" - means a watertight receptacle, whether permanent or temporary, which receives and retains sewage where water under pressure or pipe waste water is not available and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.

"Recreational Use" - shall include any recreational facility such as a Department of Environmental Protection permitted campground, and outdoor public or private recreational areas such as playgrounds, baseball fields, or picnic areas. It shall not include hunting or fishing camps, or seasonal cottages.

"Sewage" - shall mean 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 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.

"Township" - shall be Shenango Township.

All other definitions set forth in the Pennsylvania Sewage Facilities Act and Regulations of the Department of Environmental Protection and their amendments are incorporated by reference.

Section 3. Holding Tanks Permitted. Use of holding tanks for sewage disposal purposes shall be allowed within the Township for the following uses under and subject to the requirements and regulations set forth in this Ordinance, and other applicable laws and regulations:

- A. Institutional, recreational, or commercial use where the sewage flow does not exceed 400 gallons per day.

- B. As necessary to abate a public nuisance or public health hazard.
- C. As otherwise allowed under the applicable Department of Environmental Protection regulations and approved by the Department of Environmental Protection.

Section 4. Privys Permitted. Use of privys for sewage disposal purposes shall be allowed within the Township where there is no water under pressure to or for and no piped wastewater from the premises for which the privy is utilized, under and subject to the requirements and regulations set forth in this Ordinance, and other applicable laws and regulations.

Section 5. Permits Required. No holding tank or privy may be used within the Township to receive and retain sewage without a permit issued by the Township. No privy permits will be issued for any new residences after date of adoption of this ordinance, if land does not pass a "pit" and perc test. Unless the above conditions are complied with, no sewage or building permits will be issued.

Section 6. Holding Tank and Privy Permit Application. An application for a holding tank or privy permit shall be submitted to the Township sewage enforcement officer and shall include the following information:

- A. Name, address and phone number of applicant, who should be person responsible for use and maintenance of holding tank or privy.
- B. Location and description of property on which holding tank or privy is to be used and facilities on property to be served by holding tank or privy (diagram may be attached).
- C. Owner(s) of property if different from applicant.
- D. Description of existing and proposed uses of property.
- E. Size and description of holding tank or privy including information necessary to determine whether it meets DEP standards.
- F. For holding tanks, a description of disposal arrangements including name and address of person(s) collecting, transporting, and disposing of sewage contents, contracts for disposal services, and disposal site(s).
- G. For holding tanks, an estimate of gallons per day usage and description of means of calculating estimate.

- H. For privys, a certification that there is no water under pressure in or to the premises, or which the privy will be used and no piped wastewater from the premises, and that, in the event either water under pressure or piped wastewater are provided, the applicant will discontinue use of the privy and construct and install an approved on-lot sewage disposal system in accordance with the applicable laws and regulations.

Section 7. Application and Fees. The application shall be submitted on forms prescribed by the Department of Environmental Protection and the Township. Additional information shall be provided as may be required by the Township and its Sewage Enforcement Officer.

At time of application, an application fee as established by resolution of the Board of Supervisors from time to time shall be paid to the Township.

Section 8. Standards for Issuing Holding Tank Permits. A holding tank permit shall be issued if the following requirements are met:

- A. The proposed use is one allowed under this Ordinance and other applicable laws and regulations.
- B. With respect to a permit for a use with sewage flow restricted to 400 gallons a day or less, it is determined that the average daily sewage flow will not exceed 400 gallons based upon DEP regulations.
- C. With respect to a permit for a use with sewage flow exceeding 400 gallons a day, it is determined that the use is permitted under the Township's official sewage plan, has received approval of the Department of Environmental Protection as necessary, and is otherwise in compliance with all applicable regulations.
- D. The applicant has made adequate and proper arrangements for the collection and disposal of the sewage.
- E. The proposed use of the holding tank does not create an undue risk of pollution, or harm to the public health and welfare.
- F. The holding tank meets the requirements of the applicable DEP regulations.

A permit may be issued subject to conditions as may be necessary for the protection of water courses, ground water, water supplies and environment, and for protection of the public health, safety and welfare.

Section 9. Standards for Issuing Privy Permits. A privy permit shall be issued if the following requirements are met:

- A. The proposed use is one allowed under this ordinance or other applicable laws and regulations.
- B. There is no water under pressure or piped wastewater in, to or from the premises to be served by the privy.
- C. It has been satisfactorily established that soil and site suitability testing of the lot has been conducted, and that the site meets the requirements for installation of an approved on-lot sewage disposal system.

As an exception to C above, it has been established to the satisfaction of the Township that the privy use shall be limited to an isolated lot of at least one (1) acres which shall at no time be served by water under pressure or piped water or that it meets some other exception permitted by the regulations of the Department of Environmental Protection.

- D. The proposed use of the privy does not create an undue risk of pollution or harm to the public health and welfare.
- E. The privy to be constructed or installed meets the requirements of the applicable DEP regulations.

A permit may be issued subject to conditions as may be necessary for protection of water courses, groundwater, water supplied, and environment, and for the protection of the public health, safety and welfare.

Section 10. Prohibited Activity. No holding tank or privy for which a permit has been issued under this Ordinance shall be maintained or used except in conformity with the regulations set forth in this Ordinance and as may be required by other applicable laws or regulations. No holding tank or privy installed for use on the effective day of this Ordinance shall be altered or modified, or reused (if use has been abandoned for more than one (1) year, without complying with the regulations set forth in this Ordinance and any other applicable laws and regulations.

Section 11. Regulations on Use and Maintenance of Holding Tanks and Disposal of Sewage. The use, maintenance and disposal of contents of all holding tanks shall conform to the following requirements:

- A. The holding tank shall be maintained and used in accordance with conditions set forth in the permit and all applicable regulations.

- B. Holding tanks shall be equipped with a float alarm set to cause an alarm at the 3/4 full level.
- C. The contents of the holding tank shall be pumped and collected regularly and as necessary to maintain a proper working sewage system, and shall be properly transported to a permitted disposal site in accordance with applicable regulations. All holding tanks shall, however, be required to be pumped at least once in every two year period, and Owner shall be required to provide written verification to the Township Secretary of compliance with this requirement.
- D. Pumping receipts shall be remitted to the Township at least monthly.
- E. Information concerning the person(s) collecting, transporting and disposing of sewage contents, contracts for disposal services, and disposal site(s) shall be provided to the Township. Only those persons authorized by the Township shall be permitted to collect, transport, and dispose of sewage contents.
- F. Any changes or modifications to the holding tank or the use served shall be reported to the Township.
- G. Inspection of holding tanks by the Sewage Enforcement Officer shall be permitted as necessary and at least once per year at the expense of persons responsible for use and maintenance.
- H. The Township must be provided with current information about any change in ownership of the property or persons responsible for use and maintenance of the holding tank.
- I. With the exception of holding tanks being used for residential purposes at the time this Ordinance is enacted, in the event the use of the property served by the holding tank changes to or includes a residential use, then installation of an approved sewage disposal system which meets applicable standards and regulations shall be required and the use of the holding tank shall cease.

Section 12. Regulations or Use and Maintenance of Privy and Disposal of Sewage.
The use and maintenance of all privys shall conform to the following requirements:

- A. The privy shall be maintained and used in accordance with conditions set forth in the permit and with all applicable regulations and laws.

- B. The contents of the privy shall be collected, transported and disposed of as necessary and in compliance with the applicable regulations of the Department of Environmental Protection; in no event, however, shall this be less than at least once in any two year period.
- C. Leaks from and changes or modifications to the privy shall be reported to the Township.
- D. In the event that water under pressure or piped wastewater become available to or utilized on or about the premises served by the privy, the use of the privy shall cease, and the privy shall be abandoned in accordance with applicable public health and environmental standards and regulations, and an approved on-lot sewage disposal system which meets all applicable DEP standards and requirements shall be installed pursuant to a duly issued permit.

Section 13. Conditions for Use and Maintenance of all Holding Tanks and Privys. All holding tanks and privys including those installed and used prior to the effective date of this Ordinance, and their use and maintenance, shall be subject to the following conditions:

- A. The holding tank or privy shall at all times be properly maintained and kept in good working condition, and so that, among other things leaks and spills are avoided and so that a nuisance or health hazard is not created. Holding tanks or privies must be pumped at least once every two years, and Owner shall be required to provided written verification to the Township Secretary of compliance with this requirement.
- B. Leaks, spills and malfunctions shall be reported to the Township immediately and corrective action shall be taken in accordance with applicable DEP regulations.
- C. The Sewage Enforcement Office shall be permitted to inspect holding tanks and privys at any reasonable time for proper operation, maintenance and content disposal.

Section 14. Owner Responsibility. The owner of the property on which a holding tank or privy is being used and maintained shall be responsible, along with the person in possession or in control of the operation and maintenance of the holding tank or privy, for compliance with the regulations relating to holding tank and privy use, maintenance and contents disposal.

Section 15. Functions of Sewage Enforcement Officers. The Sewage Enforcement Officer (SEO) shall:

- A. Review holding tank and privy applications and issue permits as appropriate.

- B. Impose conditions on permits as necessary and appropriate.
- C. Inspect holding tanks and privys and appropriate and otherwise required to determine compliance with applicable regulations.
- D. Provide the Township with written reports regarding inspections.

Section 16. Functions of the Township Secretary or Other Designated Official. The Township Secretary or such other person as the Township Supervisors may designate shall:

- A. Maintain records regarding the holding tanks and privys permitted, their location, persons owning the property on which they are located, persons otherwise designated as persons responsible for their use and maintenance, and the use for which permitted.
- B. Maintain records regarding the persons collecting, transporting and disposing for each permitted holding tank and the disposal sites used.
- C. Review and maintain the pumping receipts from each permitted holding tank.
- D. Maintain SEO investigation reports for each permitted holding tank and privy.
- E. Maintain records of complaints and report the same to the SEO for inspection.
- F. Maintain a current list of persons permitted to collect, transport and dispose of sewage from holding tanks and privys.

Section 17. Remedies and Penalties for Violations. Any person who violates any provision of this Ordinance shall be subject to the following penalties or remedial action:

- A. The holding tank or privy permit may be revoked by the Sewage Enforcement Officer or Township.
- B. Upon conviction of a violation of this Ordinance, in a summary proceeding before a district justice, a person may be sentenced to pay a fine of not less than \$100.00 and not more than \$1,000.00 and upon failure to pay the fine, to be imprisoned for a period not in excess of 30 days. Each day violations continue shall constitute a separate violation.
- C. Any other remedy allowed at law including equitable or legal injunctive relief in a court of competent jurisdiction, including an action to abate a nuisance, and such other penalties as authorized by the Second Class

Township Code of Act 537 both as amended.

Section 18. Permit Denial or Revocation. Any person denied a permit or whose permit has been revoked may take an appeal in accordance with the applicable provisions of the Pennsylvania Sewage Facilities Act, as amended, and regulations promulgated thereunder.

Section 19. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or part of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

Section 20. Effective Date. This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED by the Supervisors of Shenango Township, Lawrence County, Pennsylvania, on the day and year first written.

SHENANGO TOWNSHIP
BOARD OF SUPERVISORS

By [Signature]

By [Signature] Supervisor

By _____

Attest:

By [Signature]
Secretary