

ORDINANCE NO. 29-1989

An ordinance of the Township of Mt. Pleasant, Columbia County, Pennsylvania, providing for and regulating the use of holding tanks in the Township of Mount Pleasant, and imposing fines for the violations of the enactment.

PURPOSE

The purpose of this Ordinance is to provide for and regulate the use, maintenance and removal of holding tanks to prevent the residents and inhabitants of the Township of Mt. Pleasant from danger and harm due to inadequate or malfunctioning on-site septic systems; to permit the development of lands with the use of holding tanks under carefully controlled and regulated circumstances; to regulate the use and maintenance of holding tanks in conformity with the law, statutes, and regulations of the Commonwealth of Pennsylvania and the Department of Environmental Resources; and to provide a temporary alternative to discontinuing otherwise lawful land use by the inhabitants and residents of the Township of Mt. Pleasant.

I. Definitions

- 1.1 “Township” – shall mean the Township of Mt. Pleasant, Columbia County, Pennsylvania.
- 1.2 “Landowner” – shall mean the natural person or persons, partnership, corporation or legally existing organization who owns legal and equitable title to the land for which a holding tank permit is sought or issued.
- 1.3 “Holding tank” – shall mean a watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. The term shall include:
- a) Chemical toilet – A toilet using chemicals that discharge to a holding tank;
 - b) Retention tank – A holding tank to which sewage is conveyed by a water carrying system; and
 - c) Privy – A holding tank designed to receive sewage where water under pressure is not available.
- 1.4 “Holding tank cleaner: - A municipality county, municipal authority or person, natural or a legal entity, including the holding tank owner, who removes the contents of a holding tank for the purpose of disposing of the sewage at another site.
- 1.5 “Department” – shall mean the Pennsylvania Department of Environmental Resources or its successor state agency.
- 1.6 “Act” – shall mean the Pennsylvania Sewage Facilities Act, 35 P.S. 750.1-750.20, as from time to time, amended.
- 1.7 “Regulations” – shall mean the regulations of the Pennsylvania Department of Environmental Resources, Pa Code, Total 25, Subpart C. Chapters 71 and 73, as adapted; and, all future regulations of the Department pertaining to holding tanks.
- 1.8 “Board” – shall mean the Board of Supervisor of the Township.
- 1.9 “Officer” – shall mean the duly appointed Sewage Enforcement Officer of the Township.
- 1.10 “Lot” – shall mean a parcel of land under single ownership irregardless of acreage. In the event the subject lands are a portion of a larger parcel of ground, the larger parcel of ground shall be considered as the “lot”.
- 1.11 “Disposal Site” – shall mean a suitable facility for the final disposition of human and animal sewage and wastes, which facility shall have been and remains approved for such purposes by the Department.
- 1.12 “Sewage” – shall mean any substances that contains any of the waste products, excrement or other discharge from the bodies of human beings or animals and noxious or deleterious substances being harmful or inimical to the public

health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation or which constitutes pollution under the Clean Streams Law.

II. Use of Holding Tanks

2.1 Holding tanks may be used subject to the provisions of this Ordinance to serve as temporary sewage disposal from existing structures within the Township of Mt. Pleasant, where on-lot sewage disposal facilities are not feasible due to unsuitability of soils; for a temporary sewage disposal from existing structures where a malfunction in the presently installed on-site sewage system cannot be suitably repaired or replaced due to unsuitability of soils; or temporarily serve for sewage disposal for a new construction in any area of the Township for which a revision to the Township Official Sewage Facilities Plan has been approved by the Department.

III. Application for Permit

3.1 Any landowner seeking to use a holding tank for sewage disposal on any lot situated in the Township shall, after receipt of municipal and Department official sewage facilities plan approval, obtain a permit from the municipal Sewage Enforcement Officer.

3.2 Permit application shall be made upon a form to be supplied by the Township Secretary to any landowner upon such landowner's request.

3.3 The landowner shall file the completed and executed application for permit with the Township Secretary; and shall pay to the Secretary such application fees as the Board may from time to time prescribe by resolution.

3.4 The landowner shall cooperate with the Township's officer at all stages of the application process.

3.5 A permit shall be issued to the landowner upon proper application after the Board has amended its Official Sewage Facilities Plan and after approval by the Department.

3.6 Prior to grant of permit, the landowner shall obtain and file with the Township Secretary a certified copy of each of the following documents:

- a) A completed application.
- b) A written contract between the landowner and a qualified and responsible holding tank cleaner for the term of the holding tank permit which contract shall provide for the timely and regular removal of the contents of the holding tank by the holding tank cleaner; and, for the removal of the said contents to an approved disposal site for final disposition;
- c) A certified copy of a written contract between the holding tank cleaner and the disposal site providing the holding tank cleaner with the right to dispose of the holding tank contents.
- d) Fees as established by Resolution of the Board; and
- e) An agreement to reimburse and indemnify the Township for any liability, costs and expenses which shall or may be incurred by the Township in actions to enforce compliance by the landowner or to remove the contents of the holding tank or the holding tank upon default or failure of the landowner to perform or for any fines incurred by the Township by reason of the landowner's failure to comply with this Ordinance, any properly enacted amendment hereto or the laws and regulations of the Commonwealth of Pennsylvania. The agreement shall be in the form required by the Board.

V. Removal of Holding Tank (note-no #4 & no 5.1)

5.2 In the event a holding tank permit has been issued for new construction pending the installation of an off-site sewage system, the landowner shall remove and cause the removal of the holding tank within 20 days after the use of the off-site sewage disposal system is made available to the landowner; and, shall connect with the off-site disposal system in the same manner.

5.3 Township, at its election, shall have the right to enter upon the premises of a landowner for the purpose of removing or causing the removal of any holding tank which remains in place in violation of this Ordinance. "Township" as used herein shall mean the Township, its employees or third parties contracted by the Township for the purpose of removing the holding tank. All costs and expenses of removal shall be borne by the landowner.

VI. Requirements for Holding Tank

6.1 Any holding tank installed or maintained pursuant to a permit issued under this Ordinance shall comply, in all respects, to the specification set forth in Regulations of the Department, 25 Pa. Code Chapter 73 inclusive.

6.2 The landowner shall cause the holding tank and all lines, pipes or conduits to the same to be maintained in a good watertight condition at all times.

6.3 All holding tanks shall be installed on a firm and stable soil or subsoil; and in such manner as to prevent settlement or movement.

6.4 No holding tank or lines to the holding tank shall be covered until the Township's Officer shall have first inspected and approved the installation and authorized covering the same. The landowner shall be responsible for furnishing the Officer reasonable notice of the installation.

6.5 The landowner shall cause a holding tank to be cleaned as frequently as may be required to maintain the contents at a level less than 75 percent of the tank capacity.

6.6 Holding tanks shall be installed at least 50 feet downgrade from any source of water supply.

VII. Inspections and Certification of Pumping

7.1 Any landowner who applies for and receives a permit for holding tanks shall be deemed to have granted his consent for inspections of the holding tank and facilities used in connection with the holding tank by Sewage Enforcement Officer of the Township. At reasonable times during the hours of 8 a.m. until 8 p.m., the landowner would grant the Sewage Enforcement Officer access to the premises for the purpose of making such inspections upon request of the Sewage Enforcement Officer verbally or in writing.

7.2 Any landowner receiving a holding tank permit shall furnish to the Township a true and corrected copy of all pumping receipts for cleaning or removing the contents of the holding tanks. Such reports shall be made to the Township's Secretary within 10 days after the contents of the holding tank are pumped out.

7.3 The failure of a landowner to permit inspection of holding tanks or equipment of facilities used in connection with the holding tanks; or, the failure of the landowner to have the holding tanks properly maintained and pumped out; or, the failure of the landowner to furnish pumping receipts to the Township in a timely fashion, shall be grounds for immediate revocation of permit.

VIII. Appeals

8.1 Any landowner aggrieved by denial of permit application shall first appeal to the Board.

8.2 The procedure for appeal shall in all respects conform to the procedure for appeal from denial of sewage permit by the Officer of the Township, as provided by law.

IX. Fines and Penalties

9.1 Any person, firm or corporation violating any of the provisions of this Ordinance, or who fails to act in compliance with this Ordinance shall, upon being found guilty thereof, be sentenced to pay a fine of \$300.00.

9.2 Where the violation continues from day to day, and the landowner fails to correct or cease such violation, each day's continuance shall constitute a separate violation.

X. Effective Date -May 10, 1989

This Ordinance shall be and become effective after enactment, when approved in writing by the Department.

ENACTED AND ADOPTED this 1st day of May, 1989.

The Board of Supervisors of
Mount Pleasant Township

Jon E. Turner

John R. Gordner

Boyd C. Laycock, Jr.

SEAL

Boyd C. Laycock, Jr.

Township Secretary