

HOLDING TANK ORDINANCE - #17

BE IT ENACTED AND ORDAINED by the Supervisors of West Shenango Township of Crawford County, Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1. Purposes. The purpose of this Ordinance is to establish procedures for the use and maintenance of holding tanks designed to receive and retain sewage whether from residential or commercial uses and it is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit, and preservation of the health, safety and welfare of the inhabitants of this municipality.

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

A. "Authority" shall mean supervisors of West Shenango Township, Crawford County, Pennsylvania.

B. "Holding Tank" means a watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. They shall only be used where a septic tank and tile field or aerobic sewage treatment system cannot be used. Holding tanks include but are not limited to the following:

1. "Chemical Toilet" which is a toilet using chemicals that discharge to a holding tank.
2. "Retention Tank" which is a holding tank where sewage is conveyed to it by a water carrying system.
3. "Vault Pit Privy" which is a holding tank designed to receive sewage where water under pressure is not available.

C. "Improved Property" shall mean any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

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

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

F. "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.

G. "Municipality" shall mean West Shenango Township, Crawford County, Pennsylvania.

Section 3. Rights and Privileges Granted. That the Authority is hereby authorized and empowered to undertake within the Township the control over the holding tank sewage disposal and over the methods of holding tank sewage disposal and the collection and transportation thereof.

Section 4. Rules and Regulations. That the Authority is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein.

Section 5. Rules and Regulations to be in Conformity with Applicable Law. All such rules and regulations adopted by the Authority shall be in conformity with the provisions herein, all other Ordinances of the Township, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

Section 6. Application for Permits.

A. No person shall install an individual sewage disposal system or connect any building for which an individual sewage

system without first obtaining a permit. Said permit application may be obtained from the township supervisors. The application shall be made by the person performing or responsible for performing all labor in connection with the installation of the individual sewage disposal system.

B. The application shall contain the following information as well as any other information that the supervisors shall require:

1. Name and address of the applicant.
2. Description of the real estate upon which the system is to be installed, and the location of said real estate.
3. Detailed information showing the absorptive qualities, depth, and type of soils involved, the high water level of the ground water table, and depth to bedrock.

C. Where an application for permit is incomplete, the supervisors shall notify the applicant in writing within (7) seven days, and allow an additional (7) seven days to complete or supplement the application.

D. Permits shall be issued or denied within (7) seven days after receiving an application for a permit. Denial of a permit shall be supported by a statement in writing of the reasons for such action.

E. No system or structure designed to provide individual sewage disposal shall be covered from view unless approval to cover the same has been given by the supervisors which issued the original permit or by an authorized representative. The applicant shall give the Board of Supervisors written notice of completion of installation of an individual sewage system.

F. The fee for an application for a permit shall be set by the township board of supervisors.

Section 7. Exclusiveness of Rights and Privileges. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by or under

the direction and control of the Supervisors, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Resources of the Commonwealth of Pennsylvania.

Section 8. Duties of Improved Property Owner. The owner of an improved property that utilizes a holding tank shall:

A. Maintain the holding tank in conformance with this or any Ordinance of this Township, the provisions of any applicable law, and the rules and regulations of the Authority and any administrative agency of the Commonwealth of Pennsylvania.

B. Permit only the Authority or its agent to collect, transport, and dispose of the contents therein.

C. Where a owner has maintained the holding tank and disposed of the contents in accordance with the provision of this Ordinance and the Statutes of the State of Pennsylvania, he shall obtain a receipt from the person or persons who have disposed of the contents of said holding tank. The receipt shall state the date of the pumping of the holding tank; the number of gallons pumped; the name of the person or persons or company that did the pumping; the name of the owner of the real estate upon which the holding tank is located. A copy of said receipt shall be delivered to the Supervisors by the owner of the real estate upon which the holding tank is situate within (15) fifteen days after the date of the receipt.

D. All holding tanks located within the township and erected after the date of enactment of this ordinance shall have a gauge erected on and attached to holding tank. This gauge will enable the supervisors or authorized representative to determine the amount of the contents of the individual holding tank.

E. Where the owner of real estate, upon which an individual holding tank is located, fails to maintain the holding tank and neglects to have it's contents pumped, then the Board of Supervisors are hereby empowered to either pump the holding tank them-

selves or contract another individual or individuals to perform this work. The owner of the real estate shall be responsible for the costs incurred in the pumping of the tank and in addition be required to pay a fee in the amount of \$25.00 above the actual cost, said sum to be paid to the township.

Section 9. Violations. Any person who violates any provisions of Section 8 shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars and not more than Three Hundred (\$300.00) Dollars and costs, and in default of said fine and costs to undergo imprisonment in the County Prison for a period not in excess of thirty (30) days. Each and every day after the initial violation shall constitute a separate offense, punishable by an additional fine of Fifty (\$50.00) Dollars for each and every day of said continuing violation.

Section 10. Abatement of Nuisances. In addition to any other remedies provided in this Ordinance, any violation of Section 8 above shall constitute a nuisance and shall be abated by the municipality or the Authority by either seeking appropriate equitable or legal relief from a court of competent jurisdiction.

Section 11. Appeals. Any applicant or owner of real estate aggrieved by any decision or action of the supervisors or their authorized representative, may request in writing a hearing before the full Board of Supervisors. A hearing shall be held within (15) fifteen days of such a request. Said request must be made within (30) thirty days of the action that is being complained of, or within (30) thirty days of the owner or applicants learning of the action. The applicant may be represented by counsel and may present evidence of testimony on his behalf.

Section 12. 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 parts 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 constitutional, illegal or invalid sentence, clause section or part thereof not been included therein.

Section 13. Effective Date. This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED into an Ordinance this 6 day of March A.D., 19 78, by the Supervisors of the Township of West Shenango, Crawford County in lawful session duly assembled.

Supervisors of the Township
of West Shenango

Robert J. Vabichy

Thomas L. Mauer

John M. Murrill

CERTIFICATION OF ADOPTION

I hereby certify the foregoing to be an exact copy of an Ordinance by the Supervisors of the Township of West Shenango, Crawford County, Pennsylvania, at a regular meeting of the Board on March 6, 1978

Sandra E. Royal
Secretary

AMENDMENT TO ORDINANCE NUMBER 17

Section 9 and Section 10 of Ordinance Number 17 are hereby amended to add and include under each of them Section 6, in addition to Section 8.

The new Section 9 shall read as follows:

Section 9. Violations. Any person who violates any provisions of Section 6 or Section 8 shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars and not more than Three Hundred (\$300.00) Dollars and costs, and in default of said fine and costs to undergo imprisonment in the County Prison for a period not in excess of thirty (30) days. Each and every day after the initial violation shall constitute a separate offense, punishable by an additional fine of Fifty (\$50.00) Dollars for each any every day of said continuing violation.

The amended Section 10 shall read as follows:

Section 10. Abatement of Nuisances. In addition to any other remedies provided in the Ordinance, any violation of Section 6 or Section 8 above shall constitute a nuisance and shall be abated by the municipality or the Authority by either seeking appropriate equitable or legal relief from a court of competent jurisdiction.

ATTEST:

Sandra E. Royal
Township Secretary

Robert J. Valinsky
Thomas L. Mawer
John D. Darnible

DATE: SEPTEMBER 8, 1979

79 SEP 19 P 3: 31

GRAWFORD COUNTY