

BOROUGH OF WEST MIFFLIN

ALLEGHENY COUNTY, PENNSYLVANIA

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AN ORDINANCE OF THE BOROUGH OF WEST MIFFLIN, ALLEGHENY COUNTY, PENNSYLVANIA, ESTABLISHING PROCEDURES FOR THE USE AND MAINTENANCE OF HOLDING TANKS DESIGNED TO RECEIVE AND RETAIN SEWAGE AND PROVIDING PENALTY FOR NON-COMPLIANCE THEREWITH.

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## ORDINANCE NO. 907

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WHEREAS, the Borough contains isolated areas which have not yet been provided with sanitary sewer lines; and

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WHEREAS, for development and use of said isolated area, holding tanks designed to receive and retain sewage are necessary until the construction of sanitary sewers; and

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WHEREAS, the regulation of said holding tanks is necessary for the protection of the public.

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NOW, THEREFORE, BE IT ORDAINED and ENACTED, by the Council of the Borough of West Mifflin, and it is hereby ORDAINED and ENACTED as follows:

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### SECTION 1. PURPOSE

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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 Borough.

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### SECTION 2. DEFINITION

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

- a. "Borough" shall mean the Borough of West Mifflin.

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- b. "Zoning Officer" shall mean the Zoning Officer of the Borough of West Mifflin.

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- c. 'Holding Tank' means a water tight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. 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.

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<![if !supportLists]>2. <![endif]>'Retention Tank' which is a holding tank system where sewage is conveyed to said tank by a water carrying system.

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<![if !supportLists]>3. <![endif]>'Vault Pit Privy' which is a holding tank system designed to receive sewage where water under pressure is not available.

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- d. 'Improved Property' shall mean any property within the Borough upon which there is erected a structure intended for continuous or habitual habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

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- e. 'Owner' shall mean any person vested with ownership, legal or equitable, sole or partial, or any property located within the Borough.

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

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- g. 'Lessee' shall mean any person who has a leasehold interest in any realty with the Borough, whether the original lessee or a subtenant.

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- h. 'Sewage' shall mean any substance that contains any of the waste products or excrement or other discharges from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, welfare or safety, or to animal or aquatic life or to the streams and rivers, or to the use of water whether for domestic water consumption, supply or recreation.

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SECTION 3. That the Council of the Borough of West Mifflin shall adopt such rules and regulations concerning sewage which it may deem necessary from time to time to control the methods of holding tank sewage collection, transportation and collection thereof; and Council shall adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein. Such rules and regulations shall be

adopted by Council either by Motion or Resolution.

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SECTION 4. That all such rules and regulations adopted by Council shall be in conformity with all applicable laws and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

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SECTION 5. That the collection and transportation of sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the Zoning Officer, and the disposal thereof shall be made only in accordance and only at such site or sites as may be approved and regulated by the Department of Environmental Resources of the Commonwealth of Pennsylvania, and any other rules and regulations applicable by any administrative agency authorized by applicable law to enact said rules and regulations.

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SECTION 6. DUTIES OF THE IMPROVED PROPERTY OWNER OR LESSEE

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The owner and the lessee, severally and jointly of an improved property that utilizes holding tanks, shall:

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- a. Maintain the holding tank in conformance with this Ordinance and any other Ordinance of the Borough, the provisions of any applicable law, the rules and regulations of the Borough and any other administrative agency of the Commonwealth of Pennsylvania or Allegheny County.

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- b. That any owner or lessee, prior to the collection, transportation and disposal of the contents of any holding tank, shall make application to the Zoning Officer setting forth the following:

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1. The name of the person making such collection.

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2. The method of collection and transportation.

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3. The name and location of the disposal site.

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- c. Upon receipt of the application, the Zoning Officer shall review the application for compliance with any rules and regulations of the Borough, or provisions of any applicable law.

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- d. If the Zoning Officer disapproves the application for collection and disposal, the Zoning Officer shall by written statement, state the objections of the Borough and

what provisions are necessary to correct said application. The owner and lessee shall immediately take steps to correct the deficiencies of the application and resubmit a new application for collection, transport and disposal of the contents therein.

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- e. The collection, transportation and disposal of the contents of any holding tank shall be done at the cost of the owner and/or lessee severally or jointly, PROVIDED, however, if, in the opinion of the Zoning Officer that the owner or lessee has neglected or failed to collect, transport and dispose of the contents of any holding tank as may be necessary, the Zoning Officer is authorized to engage a qualified person to collect, transport and dispose of the contents of said holding tank. The cost of such collection, transportation and disposal shall be billed to the owner and/or lessee, jointly or severally.

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- f. That prior to the construction of any holding tank authorized by the Zoning Officer pursuant to this Ordinance, or any other applicable written law, rules and regulations, the owner and/or lessee shall make application for a holding tank permit together with payment of a THREE HUNDRED (\$300.00) DOLLAR license fee. In addition to the fee required, the owner and/or lessee shall be required to place with the Borough a performance bond with approved security conditioned upon the faithful performance of collection, transportation and disposal of the contents of the holding tank and removal of said tank in such amounts as determined by the Borough Engineer. In setting the amount of the Bond, the Borough Engineer shall determine the size of the holding tank in relationship to the anticipated use as indicated by the structure or dwelling said holding tank shall service, and shall make a calculation as to the number of times the contents of said holding tank need collected, transported and disposed within a calendar year, and the cost of removal of said tank were no longer needed. The Borough Engineer shall further estimate the cost of the collection, transportation and disposal of the contents therein for each annual year which shall be the principal amount of the Bond required. All said Bonds with approved surety shall be renewed annually and shall be required during the use of said tank. The principal amount of said Bond may be increased or decreased annually by the Engineer in accordance to the anticipated cost as determined by the aforesaid calculations.

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- g. Should any owner and/or lessee neglect or fail to make collection, transportation and disposal of the contents as required; or fails to do so within five (5) days from notification by the Zoning Officer, the Zoning Officer shall take one or more of the following steps:

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1. Arrange and contract for the collection, transportation and disposal of the contents of said holding tank.

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2. Issue a cease and assist order for use of the toilet and sewage facilities which void into the said holding tanks.

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3. Suspend and/or revoke the occupancy permit of the buildings or structures said holding tank or tanks service.

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- h. Prevent any leakage of the contents of said holding tank into the ground, any watershed or any watercourse. Upon discovery of any leakage by any person or the Zoning Officer, the owner and/or lessee shall immediately cease using all toilet and sewage facilities voiding into said holding tank until repaired or replaced and within one (1) day, collect, transport and dispose of the contents.

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- i. Upon construction of sanitary sewers in the area, the owner shall within thirty (30) days after notice by the Borough, tap-in all sewage facilities servicing the site into the Borough's sanitary sewer line and pay any and all fees or costs connected with said tap-in. Prior service of the realty by a holding tank shall not be construed to relieve the realty or the owner from payment of any assessed benefits to the realty benefited by the construction of sanitary sewers.

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- j. Upon completion of the tap-in of any holding tank site into the Borough's sanitary sewer system or upon the expiration of thirty (30) days from the date of notice, whichever is sooner, shall collect, transport and dispose of the contents of any holding tank, and shall remove the holding tank from the site. In the proper case or circumstance the Zoning Officer may give written consent to the owner and/or lessee to fill the holding tank with sand in lieu of removal.

SECTION 7. That prior to any installation of any holding tank or issuance of a holding tank permit by the Zoning Officer the owner, lessee or person making actual installation of the holding tank, shall submit, in writing, to the Zoning Officer at least two (2) weeks prior to the intended installation, the following data:

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- a. The type of holding tank intending to be installed together with the size and capacity of said tank.

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- b. The useful life of said tank.

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- c. A certification from the manufacturer or any other qualified person that said tank shall not leak its content during the useful life of said tank.

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- d. The method of installation and the person hired to do said installation. However, upon review of the application by the Zoning Officer, after consultation with the Borough Engineer, the Zoning Officer shall make a determination that the proposed tank, quantity and size, and installation methods are consistent with the rules and regulations of the Borough regulating this matter, the rules and regulations of the Commonwealth of Pennsylvania, the County of Allegheny or any other governmental agencies regulating these matters. If the Zoning Officer approves the application for installation, upon payment of the required fee, the Zoning Officer shall issue the holding tank permit.

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If the Zoning Officer disapproves the tank, he shall set forth in writing, the causes and

basis for his disapproval.

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## SECTION 8. APPEALS

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Any applicant or affected person may, within ten (10) days of a decision of the Zoning Officer, appeal such decision to the Borough Council for a review. The requested review shall be conducted during a regularly scheduled meeting. The Borough Council may affirm, or reverse or modify, the findings of the Zoning Officer. Any person adversely effected by a decision of the Borough Council may appeal to a Court of competent jurisdiction within thirty (30) days of the date of the decision. PROVIDED, however, no such appeal from the decision of the Zoning Officer or from Council of the Borough of West Mifflin shall act as a stay to any decisions rendered by the Zoning Officer or the Borough Council.

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## SECTION 9. INTERPRETATION AND SEVERABILITY

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In applying the provisions of this Ordinance, they shall be interpreted to be the minimum requirements for the promotion of the public health, safety and general welfare. It is not intended to interfere with, abrogate or annul any other Ordinance, rules, regulations, or permits previously adopted or issued, except as amended hereby, or with any other rules or regulations of another administrative agency having jurisdiction of this matter. Where this Ordinance imposes greater restrictions upon the use of holding tanks, than this Ordinance shall control. It is the intent of Council of the Borough of West Mifflin that the provisions of this Ordinance are severable. Should any section or provisions of this Ordinance or subsequent amendments thereto, be declared by the Courts to be unconstitutional or invalid for any reason, such decision shall not affect the validity of this Ordinance as a whole or the validity of any other section or provision of this Ordinance other than the one so declared to be invalid.

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PENALTIES Any person violating any of the provisions of this Ordinance or aiding, abetting or assisting the violation thereof, shall, upon conviction thereof by summary of judgment, be sentenced to pay a fine of not more than THREE HUNDRED (\$300.00) DOLLARS in costs of prosecution of each offense and in default of the payment of such fine and costs of prosecution, shall be liable for imprisonment in the Allegheny County Jail for a period not exceeding thirty (30) days. Each day that a violation is permitted to exist after notification in writing, such violation, shall constitute a separate offense.

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SECTION 10. In addition to any other remedies provided in this Ordinance, any violation of this Ordinance shall constitute a nuisance and maybe abated by either seeking appropriate equitable legal relief from a Court of competent jurisdiction, or, when the Zoning Officer, as authorized by this Ordinance, is required to take affirmative steps to correct the condition by hiring contractors for the collection, transportation and disposal of the content of said holding tank or the removal of said holding tank, the costs incurred shall be imposed on the owner of the property and the Solicitor of the Borough is hereby authorized to lien said property for recovery of costs and/or file action to recover said costs from the bonding company of said owner or lessee. In addition, the Solicitor is hereby authorized to file Civil suit in a Court of competent jurisdiction to recover the costs by Civil suit.

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ORDAINED and ENACTED, this 16th day of October, AD 1984, by Council of the Borough of West Mifflin in lawful session duly assembled.

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ATTEST:

BOROUGH OF WEST MIFFLIN

<![if !supportEmptyParas]> <![endif]><![if !supportEmptyParas]> <![endif]>George B. Miklos  
President of Council

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<![if !supportEmptyParas]> <![endif]><![if !supportEmptyParas]> <![endif]>Theresa Corso,  
Secretary

EXAMINED and APPROVED, this 16th day of October, 1984

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<![if !supportEmptyParas]> <![endif]><![if !supportEmptyParas]> <![endif]>Peter W. Richards,  
Mayor

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