

HOLDING TANK ORDINANCE

**For Property at 182 Rt. 6 & 209,
Westfall Township**

Ordinance No. 117

An Ordinance of Westfall Township, Pike County, Pennsylvania, providing for and regulating the use of a 2,000 gallon holding tank for property located at 182 Rt. 6 and 209, Westfall Township, and imposing fines for the violations of the Ordinance.

PURPOSE

The purpose of the Ordinance is to provide for and regulate the use, maintenance and removal of a holding tank at Westfall Township; to permit the development of lands with the use of a holding tank under carefully controlled and regulated circumstances; and to regulate the use and maintenance of this holding tank in conformity with the law, statutes, and regulations of the Commonwealth of Pennsylvania and the Department of Environmental Protection.

I. DEFINITIONS

- 1.01 “MUNICIPALITY” – Shall mean the Municipality of Westfall Township, Pike County, Pennsylvania.
- 1.02 “OWNER” - Shall mean Mr. Mohammed A. Bary
- 1.03 “HOLDING TANK” – Shall mean a watertight receptacle which receives and retains sewage from the sewer system and is designed and constructed to facilitate ultimate disposal of the sewage at another site.
- 1.04 “HOLDING TANK HAULER” – A municipality county, municipal authority or person, natural or legal entity, including the holding tank owner who possesses the required state and county licenses and, who removes the contents of a holding tank for the purpose of disposing of the sewage at a DEP approved site.
- 1.05 “DEP” – Shall mean the Pennsylvania Department of Environmental Protection or its successor state agency.

- 1.06 “ACT” – Shall mean that Pennsylvania Sewage Facilities Act, 35 P.S. 750.1 – 750.20, as, from time to time, amended.
- 1.07 “REGULATIONS” – Shall mean the regulations of the Pennsylvania Department of Environmental Resources, PA. Code, title 25, Subpart C. Chapters 71 and 73, as adapted; and all future regulations of the Department pertaining to holding tanks.
- 1.08 “BOARD” – Shall mean the Board of Supervisors of Westfall Township.
- 1.09 “SEO” – Shall mean the duly appointed Sewage Enforcement Officer of the Municipality.
- 1.10 “SEWAGE” – Shall mean any substance 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 to aquatic life, or to the use of water for domestic water supply or for recreation or which constitutes pollution under the Clean Stream Law.

II. USE OF HOLDING TANK

- 2.01 The holding tank may be used subject to the provisions of this Ordinance to temporarily serve for sewage disposal for the proposed business of Mohamed Bary at 182 Route 6 & 209 until sewage can be accepted by the Municipal Authority of the Township of Westfall.
- 2.02 The Municipality, at its option, shall have the right to enter upon the premises for the purpose of terminating use of the holding tank if a violation occurs that is not corrected within three days after written notice from Municipality to Owner that a specific violation of this Ordinance has occurred. “Municipality” as used herein shall mean the Township, its employees or third parties contracted by the Municipality for the purposes of terminating use of the holding tank. All costs and expenses of removal shall be borne by the Owner.

III. REQUIREMENTS FOR HOLDING TANK

- 3.01 The holding tank installed or maintained pursuant to this Ordinance shall comply, in all respects, to the specification set forth in Regulations of the DEP, 25 PA, Code Chapter 73 inclusive.
- 3.02 The holding tank shall be constructed to meet the specifications of 73.31(b) (relating to standards for septic tanks.)

- 3.03 The minimum capacity of a holding tank shall be 2,000 gallons or a volume equal to the quantity of waste generated in three days, whichever is larger.
- 3.04 The holding tank shall be equipped with a warning device to indicate when the tank is filled to within 75% of its capacity. Such warning device shall create an audible and visual signal at a location frequented by the Owner or responsible individual.
- 3.05 Disposal of waste from a holding tank shall be at a site approved by the Department of Environmental Protection.
- 3.06 The Owner shall cause the holding tank and all lines, pipes or conduits to the same to be maintained in good watertight condition at all times.
- 3.07 The holding tank shall be installed on a firm and stable soil or subsoil; and in such manner as to prevent settlement or movement.
- 3.08 The holding tank or lines to the holding tank shall not be covered until the Municipality's SEO shall have first inspected and approved the installation and authorized covering the same. The Owner shall be responsible for furnishing the SEO reasonable notice of the installation.
- 3.09 The Owner shall clean the holding tank as frequently as may be required to maintain the contents at a level less than 75 percent of the tank capacity.
- 3.10 The holding tank shall be installed at least 50 feet downgrade from any source of water supply.
- 3.11 The holding tank shall be used until the municipal sewer system is available to service proposed business serviced by the holding tank, at which time the proposed business will hook into the municipal system.
- 3.12 The DEP must have approved the Planning Module and the ultimate method of wastewater treatment and disposal if required.
- 3.13 The Owner shall provide a bond or letter of credit to ensure that the Owner will hook up to the municipal system when available. The bond or letter of credit shall be in an amount up to but not exceeding 110% of the cost required to hook up to the municipal system.
- 3.14 The Owner shall have a contract with a holding tank hauler or must have access to a sewage hauling truck and all the appropriate state and local licenses to operate said truck. A copy of any contract or proof of truck access shall be submitted to the Township SEO prior to approval being granted to operate the holding tank. Should at anytime the owner contract with another hauler to remove the waste,

a copy of the contract shall be submitted to the SEO within 5 days of contract signing.

- 3.15 The Owner shall have a contract with a permitted wastewater treatment plant which will accept the holding tank wastes. A copy of the contract shall be submitted to the Township SEO prior to approval to operate the holding tank.

IV. INSPECTIONS AND CERTIFICATION OF PUMPING

- 4.01 The Owner 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 and access to the premises for the purpose of making such inspections upon request of the Sewage Enforcement Officer verbally or in writing.
- 4.02 The Owner shall furnish the Municipality 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, or its agent, on a weekly basis within ten days after the contents of the holding tanks are pumped out, or upon request.
- 4.03 The failure of an Owner to permit inspection of the holding tank or equipment of facilities used in connection with the holding tank; or, the failure of the Owner to have the holding tank properly maintained and pumped out; or, the failure of the Owner to furnish pumping receipts to the Municipality in the timely fashion, shall be grounds for revocation of the permit. In addition, the Municipality may, at its option, cause the holding tank to be closed for use, pumped out, and/or repaired, the cost of which shall be borne by the Owner (or, if necessary, charged against the Letter of Credit).

V. APPEALS

- 5.01 The Owner aggrieved by denial of permit application or by permit revocation shall first appeal to the Board.
- 5.02 The procedure for appeal shall in all respects conform to the procedure for appeal from denial of Sewage permit by the SEO of the Municipality, as provided by law.

VI. FINES AND PENALTIES

- 6.01 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 find of \$500.00.
- 6.02 Where the violation continues from day to day, and the owner fails to correct or cease such violation, each day's continuance shall constitute a separate violation, unless circumstances beyond the Owner's control prevent such correction. At which time the Owner shall request an extension of time from the SEO.

VII. EFFECTIVE DATE

This Ordinance shall be and become effective after enactment.

ENACTED AND ADOPTED this 1st day of July,
2003 by the Board of Supervisors of Westfall Township.

Kenneth A. Thiele

James Mwi

John
Keith H. H. H.

Attest:

Lisa C. Auer
Secretary

SEAL: