

**TOWNSHIP OF WEST MEAD
CRAWFORD COUNTY, PENNSYLVANIA
Ordinance No. 1998 - 4**

AN ORDINANCE TO ALLOW USE OF HOLDING TANKS FOR SEWAGE DISPOSAL, TO REGULATE HOLDING TANK USE, AND TO PROVIDE REMEDIES AND PENALTIES FOR VIOLATIONS.

Whereas, the Board of Supervisors of West Mead Township desires to provide for sewage system alternatives for various 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 provide for holding tanks and the duty to regulate them if allowed; and

Whereas, the Township believes that allowing for the use of holding tanks as a form of sewage disposal under limited circumstances is necessary for the preservation of the health, safety and welfare of the citizens of West Mead Township; and

Now, Therefore, be it enacted and ordained by the Board of Supervisors of West Mead Township, Crawford County, Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1. Title. This Ordinance shall be known as the West Mead Township Holding Tank Ordinance.

Section 2. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of 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.

"DEP" shall mean the Pennsylvania Department of Environmental Protection, formerly known as the Department of Environmental Resources and its successors.

"Holding Tank" means 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 kinds of public uses, but shall not include uses such as educational or health care facilities.

"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.

"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.

"SEO" shall mean the Sewage Enforcement Officer appointed by the Township in accord with the Sewage Facilities Act.

"Sewage" shall mean any substance that contains 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.

"Sewage Facilities Act" shall mean the Act of January 24, 1966 (Act 537 of 1965), P.L. 1535 (1965), as amended, by Act 149 of December 14, 1994, P.L. 1250 and as same may be amended from time to time, found at 53 P. S. §750.1, *et. seq.*

"Township" shall mean West Mead Township.

All other definitions set forth in the Pennsylvania Sewage Facilities Act and Regulations of the Department of Environmental Protection (formerly the Department of Environmental Resources) (referred to herein as DEP) 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 800 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. Holding Tank Permits Required. No holding tank may be installed, maintained, and used within the Township to receive and retain sewage without a permit issued by the Township.

Section 5. Holding Tank Permit Application. An application for a holding tank 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.
- b. location and description of property on which holding tank is to be used and facilities on property to be served by holding tank (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 tank including information necessary to determine whether it meets DEP standards.
- f. 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. estimate of gallons per day usage and description of means of calculating estimate.

The application, together with the fees established by the Township, 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.

Section 6. Standards for Issuing Holding Tank Sewage 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 800 gallons a day or less, it is determined that the average daily sewage flow will not exceed 800 gallons based upon DEP regulations.
- c. With respect to a permit for a use with sewage flow exceeding 800 gallons a day, it is determined that the use is permitted under the Township's official sewage plan, has received approval of the DEP 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 protection of water courses, ground water and water supplies and environment and for protection of the public health, safety and welfare.

Section 7. Prohibited Activity.

- a. No holding tank or related sewage system facilities shall be installed, 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.
- b. No person shall interfere with any officer, agent or employee of the Township in the performance of the duties required under this Ordinance or by regulations of the DEP.

Section 8. Regulations for Use and Maintenance of Holding Tank. The use, maintenance and disposal of contents of all permitted holding tanks shall conform to the following requirements:

- a.** The holding tank 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.
- b.** The holding tank shall be maintained and used in accordance with conditions set forth in the permit.
- 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.
- d.** Pumping receipts shall be submitted to the Township at least monthly.
- e.** Information concerning the person(s) collecting, transporting and disposing of the sewage and any changes shall be reported to the Township.
- f.** Leaks, spills and malfunctions shall be reported to the Township immediately and corrective action shall be taken in accordance with applicable regulations of the DEP.
- g.** The following information must be reported to the Township promptly: Any changes or modifications to the holding tank or the use served, and any change in ownership of the property or persons responsible for use and maintenance of the holding tank.
- h.** 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.
- i.** Annually, upon written notice by the Township, there shall be paid to the Township a fee established by resolution to cover Township costs of inspection and administration.
- j.** In the event the use of the property served by the holding tank, pursuant to a permit issued under Section 3(a), changes to or includes a residential use, then installation of a permanent on-lot or community sewage disposal system which meets applicable standards and regulations shall be required and the use of the holding tank shall cease.

- k. In the event a holding tank is being used for residential use pursuant to a permit under Section 3(b) (*i.e.*, to prevent public nuisance), the owner and occupants shall take action to investigate and provide for alternate sewage disposal facilities as may be permitted by law and regulations, without undue delay.

Section 9. Owner Responsibility. The owner of the property on which a holding tank 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, for compliance with the regulations relating to holding tank use, maintenance and disposal of sewage contents.

Section 10. Fees. Fees for applications, processing and issuing permits, inspections, administrative matters, and other actions of the Township, its SEO and officials, shall be established by Resolution of the Township Supervisors and shall be payable at the time designated in the Resolution.

Section 11. Functions of Sewage Enforcement Officers. Among other responsibilities of the Sewage Enforcement Officer (SEO), the SEO shall:

- a. review holding tank applications and issue permits as appropriate.
- b. impose conditions on issuance of a permit as necessary and appropriate.
- c. inspect holding tanks annually and as otherwise required to determine compliance with applicable regulations.
- d. provide the Township with written reports regarding inspections.

Section 12. 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 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 investigations reports for each permitted holding tank.
- e. maintain records of complaints and report same to the SEO for inspection.
- f. maintain a current list of persons permitted to collect, transport and dispose of sewage from holding tanks.

Section 13. 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 permit may be revoked by the Sewage Enforcement Officer or Township.
- b. A summary proceeding may be instituted before a district justice or court of law for a violation of this Ordinance. A conviction shall be a summary offense. Upon conviction, a person shall be sentenced to pay a fine of not less than \$500.00 and not more than \$5,000.00 together with costs of prosecution and attorney fees, or to imprisonment not to exceed 90 days, or both. Each day a violation continues shall be a separate offense.
- c. The Township may also, in accordance with the provisions of the Pennsylvania Sewage Facilities Act, 35 P.S. § 750.13a, after notice and hearing, assess a civil penalty against any person who violates this Ordinance in accordance with the provisions of the Pennsylvania Sewage Facilities Act. The Township may under authority of these provisions assess a civil penalty of not less than **\$300.00 and not more than \$2,500.00** for each violation, and may in addition assess the cost of damages caused by such violation and the cost of correcting such violation. Proceedings for enforcement and assessment of a civil penalty under authority of the Sewage Facilities Act shall be in accord with the applicable provisions of the Sewage Facilities Act (35 P.S. §750.13a, as amended from time to time), which provisions are incorporated herein by reference.

- d Any other remedy allowed at law including equitable or legal relief in a court of competent jurisdiction, including an action to abate a nuisance.

Section 14. Permit Denial or Revocation. Any person denied a permit or whose permit has been revoked or who has been assessed a civil penalty under Section 13 above, may take an appeal in accordance with the provisions of the Pennsylvania Sewage Facilities Act, as amended, and regulations promulgated thereunder.

Section 15. Repeal. The West Mead Township Holding Tank Ordinance adopted May 16, 1972 is hereby specifically repealed. All other ordinances or resolutions or parts of ordinances or resolutions, insofar as they are inconsistent herewith, are likewise hereby repealed.

Section 16. 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 17. Effective Date. This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED this 11th day of February, A.D., 1998, by the Board of Supervisors of West Mead Township.

Board of Supervisors of West Mead Township

_____ *[Signature]* _____
Chairman
By: *Walter R. Young* _____
Supervisor
By: *R. J. Gigone* _____
Supervisor

Attest:

By: *Judith E. Mera*
Secretary

[seal]