

Rec - 7/14/95
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Ordinance No. of 1995
Lenox Township
Susquehanna County, Pennsylvania

HOLDING TANK ORDINANCE

An Ordinance of the Township of Lenox, Susquehanna County, Pennsylvania, providing for the use and regulation of holding tanks in and by the Township of Lenox, and imposing fines and penalties for the violation of the ordinance.

ARTICLE I: PURPOSE AND AUTHORITY

SECTION I.1 The purpose and intent of this Ordinance is to provide for and regulate the use, maintenance and removal of holding tanks; to protect the residents and inhabitants of the Township of Lenox from danger of a public health hazard or otherwise unsanitary condition caused by or arising from the use of an inadequate or malfunctioning septic system on a lot which is not suitable; to regulate the use and maintenance of holding tanks in conformity with the law, statutes and regulations of the Commonwealth of Pennsylvania; to provide an alternative to the discontinuance of otherwise lawful land use by the residents and inhabitants of the Township of Lenox.

SECTION I.2 This Ordinance is written, enacted, adopted and enforced by the authority granted under Article VII, Section 702, Paragraph XLI and XLI.I, of the Second Class Township Code of the Commonwealth of Pennsylvania.

ARTICLE II: DEFINITIONS

Section 2.1 ACT - Shall mean the Pennsylvania Sewage Facilities Act No. 537, as amended.

Section 2.2 BOARD - Shall mean the Board of Supervisors of the Township of Lenox, Susquehanna County, Pennsylvania.

Section 2.3 BUILDING SEWER - Shall mean any pipe, line or closed conduit designed or intended to be used for the mechanical or hydraulic conveyance of sewage from building to a holding tank.

Section 2.4 DISPOSAL SITE - Shall mean a suitable facility for the final disposal of human and animal sewage which facility shall have been and remains approved for such purposes by the Department of Environmental Resources or its successor state agency.

Section 2.5 HOLDING TANK - Shall mean a watertight receptacle which receives and retains sewage by a water carrying system and is designed and constructed to prevent leakage of the sewage and to facilitate ultimate disposal of the sewage at another site.

Section 2.6 HOLDING TANK CLEANER - The landowner, person, natural or legal entity, holding tank owner or proprietor, who removes the contents of a holding tank for propose of disposing the sewage at another site.

Section 2.7 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 and from which structure sewage shall or may be discharged.

Section 2.8 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.

Section 2.9 LOT - Shall mean a parcel of land under single ownership regardless of acreage. In the event the subject lands are a portion of a larger parcel of ground, the larger parcel shall be considered as a LOT.

Section 2.10 OFFICER - Shall mean the duly appointed Sewage Enforcement Officer of Lenox Township, Susquehanna County, Pennsylvania.

Section 2.11 INSPECTOR - Shall mean the Sewage Enforcement Officer, The Board, a Member of the Board or any person duly appointed by the Board.

Section 2.12 PERMIT - Shall mean the document issued to the landowner which authorizes the landowner to install, use and maintain a holding tank as provided for in this Ordinance.

Section 2.13 PERSON - Shall mean an individual, partnership, company, association, corporation or other group or entity.

ARTICLE III: USE OF HOLDING TANKS

Section 3.1 Holding tanks may be used subject to provisions of this Ordinance for sewage disposal for existing structures within the Township of Lenox, Susquehanna County, Pennsylvania: where on-lot disposal facilities are not feasible due to Township regulations or regulations set forth by the Department of Environmental Resources and where continuous use of existing sewage disposal system will constitute a public health hazard or a nuisance as defined under Article VII, Section 702 Para XII and Para XXIX as amended of the Second Class Township Code of the Commonwealth of Pennsylvania.

Section 3.2 The provisions of Section 3.1 notwithstanding, Holding Tanks, and their use may be approved under this Ordinance only where it has been demonstrated by a duly appointed Sewage Enforcement Officer that an on-lot sewage disposal system is not feasible under the Sewage Facilities Act and through regulations set forth by the Department of Environmental Resources.

ARTICLE IV: RIGHTS AND DUTIES OF INTERESTED PARTIES

Section 4.1 The Township shall have the right, power and duty, to fix, alter, charge and collect rates, assessments, fees and other charges at reasonable and uniform rates as set forth in this Ordinance relating to the regulation and maintenance of holding tanks.

Section 4.2 The Township hereby reaffirms the general powers granted under the Second Class Township Code: to assume complete control of the use of holding tanks; to regulate and control the methods of holding tank sewage disposal, collection and transportation.

Section 4.3 The owner of an improved property where a holding tank is located or being used shall 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 any administrative agency of the Commonwealth of Pennsylvania; shall assume, under the control of the Township, the responsibility of removing, transporting and disposing of the contents of the holding tank; and shall be responsible for the payment of all costs incurred for the installation, maintenance and removal of the holding tank.

Section 4.4 The landowner shall agree to notify any and every prospective owner, of the existence of the holding tank, its location and the responsibilities set forth in this Ordinance prior to legal transfer of the property where the holding tank is located.

ARTICLE V: PERMIT APPLICATION

Section 5.1 Any landowner seeking to install or use a holding tank on any lot situated in the Township shall apply for a permit from the Township.

Section 5.2 Permit application by the landowner shall be made on a form to be supplied by the Board.

Section 5.3 The Landowner shall file the completed and executed application for a permit with the Board and shall pay to the Township such application fees as described in this Ordinance or as may be established by resolution.

Section 5.4 The Landowner shall cooperate with the Board and the Sewage Enforcement Officer at all stages of the application process.

Section 5.5 A permit shall be issued to the Landowner upon proper application after the Board has determined that all requirements as stated in this Ordinance have been satisfied.

ARTICLE VI: WAIVER/EXISTING TANKS

Section 6.1 The Board of Supervisors may waive the requirements or grant a variance from certain parts of this Ordinance in special cases where a specific hardship exists, provided that such waiver or variance will not be contrary to the public interest and will serve the intent of this Ordinance as set forth in Article 1.

Section 6.2 Holding Tanks which exist and are in use prior to the passage of this Ordinance, Section 6.1 of this article notwithstanding, in all cases, will be subject to fees and inspections.

ARTICLE VII: PERMIT FEE REQUIREMENTS

Section 7.1 The required fee for a holding tank permit is \$100.00.

Section 7.2 All permit fees are payable before the tank is installed.

Section 7.3 Permit fees are not refundable.

Section 7.4 The fee requirements described herein do not include charges which the Township may incur in a process or action to enforce compliance by the Landowner with the requirements of this Ordinance.

Section 7.5 The Township reserves and affirms the right to change the required fees by amendment of this Ordinance.

ARTICLE VIII: PERMIT ISSUANCE AND SYSTEM OPERATION

Section 8.1 The required fee as described in Article VII, Section 7.1 is an initial charge and is made prior to installation.

Section 8.2 The permit shall be issued only after the system is installed and inspected. A water leak test may be required. All other requirements of this Ordinance must be met regarding tank specifications and installation.

Section 8.3 The landowner shall cause the holding tank to be pumped out as required in Article X; and shall retain all pumping receipts in order to comply with the provisions of Article XII of this Ordinance.

Section 8.4 For the purposes of this Ordinance, the holding tank system shall be defined as the holding tank and all equipment, pipes, conduits, alarms, covers and any other hardware or plumbing connected to it or intended to be used to serve the function of the holding tank. The operation for the holding tank system by the landowner shall include the complete inspection of the system by the Township as provided for in Article XII of this Ordinance.

ARTICLE IX: REMOVAL OF HOLDING TANK

Section 9.1 In the event an approved alternate sewage disposal system or an off-site sewage disposal system becomes available for connection or in the event the lot becomes suitable for on-lot sewage disposal after the holding tank has been installed, the landowner shall remove or cause the removal of the holding tank within 30 days after the alternate system has been made available for connection: and shall connect with the alternate system within the same 30 days.

Section 9.2 In the event the design of another type of approved sewage disposal system includes the use of the existing holding tank as a septic tank, the existing holding tank shall no longer be defined as a holding tank and its subsequent removal under this Ordinance will no longer be required.

Section 9.3 Under authority of Article VII, Section 702, para XII of the Second Class Township Code of the Commonwealth of Pennsylvania, any holding tank which remains in place in violation of this Ordinance shall be termed a nuisance: and under the same authority, the Township shall, at its option, have the right to enter upon the premises of a landowner for the purpose of destroying the use and filling in of the holding tank. The 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. The holding tank shall become the property of the Township upon removal.

ARTICLE X: HOLDING TANK INSTALLATION

Section 10.1 Any holding tanks installed or maintained pursuant to a permit issued under this Ordinance shall comply, in all respects, with the specifications set forth in Article XI of this Ordinance.

Section 10.2 All holding tanks shall be installed a depth which will require a maximum of 12 inches of soil to cover to the surrounding grade.

Section 10.3 All holding tanks shall be installed at least 50 feet from any source of water supply.

Section 10.4 All holding tanks shall be installed on a firm and stable subsoil; and in such manner as to prevent settlement or movement.

Section 10.5 The holding tank shall be placed in a location which will allow the holding tank cleaner to gain easy access with the required equipment for clean-out.

Section 10.6 All building sewers carrying sewage to or depositing sewage in the holding tank shall be at least 3 inches in diameter and be installed at a slope from horizontal of at least $\frac{1}{4}$ inch per foot; all joints shall be sealed watertight.

Section 10.7 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.

Section 10.8 No holding tank or lines to the holding tank shall be covered until the Township Sewage Enforcement Officer shall have first approved the installation and authorized covering the same. The landowner shall be responsible for furnishing the officer reasonable notice of the installation.

Section 10.9 All holding tanks shall be installed in a location where the water table will not cause floating at any time of the year when the tank is empty.

Section 10.10 An opening in the top of the holding tank shall be extended by a pipe or collar or other such device which will allow easy access about the ground and shall accommodate a lock or heavy cover which will limit access.

Section 10.11 All holding tanks shall have an audible warning device installed inside the residence which will indicate when the level of the tank reaches 75% capacity.

ARTICLE XI: HOLDING TANK SPECIFICATION

Section 11.1 Holding tanks for which a permit is issued under this Ordinance shall have a minimum capacity of 3000 gallons.

Section 11.2 All holding tanks shall be constructed of reinforced concrete as specified in this Article.

Section 11.3 The design of all pre-cast tanks shall include minimum wall thickness as given in this Section:

| CAPACITY Tank Volume Gallons | DIMENSIONS | | |
|---------------------------------|-------------------------------|-----------------------------|--------------------------|
| | Vertical Sides (Inches) | Bottom Horiz (inches) | Top Horiz (inches) |
| 3000 | 3½ | 5½ | 5½ |

Section 11.4 All concrete used in the manufacture of the tank shall have a minimum compressive strength of 3500 PSI at 28 days.

Section 11.5 The design of the pre-cast holding tank must include the use of welded wire fabric for reinforcement in the sides and #3 or larger bars in the top and bottom, the spacing and placement of which shall reflect accepted engineering practice.

Section 11.6 All holding tanks shall have an inlet to which the building sewer will be connected; the only other opening being that which extends vertically for clean-out.

Section 11.7 Any landowner who wishes to obtain a permit for the use of a holding tank which has a capacity greater than 3000 gallons or wishes to manufacture a tank on location must submit a design for such tank to the board which has been prepared by a Registered Professional Engineer. The design must then be approved by the Board.

ARTICLE XII: INSPECTION AND CERTIFICATION OF PUMPING

Section 12.1 Any landowner who applies for and receives a permit for a holding tank shall be required to allow periodic inspections of the holding tank and all parts of the system which are a part of or are used in connection with the holding tank; these inspections shall be carried out under the authority granted by this Ordinance and supported by Article VII, Section 702, Para LI of the Second Class Township Code.

Section 12.2. At reasonable times between the hours of 8 a.m. and 8 p.m. the landowner shall grant the inspector access to the premises for the purpose of making such inspections upon the verbal or written request of the Township.

Section 12.3 Any landowner who is issued a holding tank permit and thereafter installs and uses a holding tank; or, any landowner who uses a holding tank which was installed on the lot before he becomes the landowner; or, any landowner who rents or otherwise allows any person to use a holding tank which is installed on his property shall furnish the Township with a true and correct copy of all pumping receipts for cleaning or removing the contents of the holding tank. Such receipt or copies of receipts as described herein shall be made available to the inspector or a Board member or the Township Secretary or the Township's agent on or before the date of the inspection.

Section 12.4 The inspection of the holding tank system as described in Article VIII, Section 8.2 of this Ordinance applies to the original installation only. In addition to that inspection other periodic inspections shall be required as described herein.

Section 12.5 In the event the original conditions of the property, at the time of permit issuance, change or are altered such changes and alterations shall be reported to the Township by the landowner or inspector. The Board and the Sewage Enforcement Officer shall then determine whether the property should be retested for an on-lot sewage disposal system under regulations set forth by the Department of Environmental Resources.

Section 12.6 The requirements of Section 12.1, 12.2 and 12.4 notwithstanding the landowner is required to allow an inspection at any time as deemed necessary by the Township.

Section 12.7 The failure of a landowner to permit inspection of holding tanks or equipment or any facilities used in connection with the holding tanks; or, any inspection which determines that the holding tank has not been maintained properly or has not been pumped out; or, the failure of the landowner to furnish plumbing receipts to the Township on request and in a timely fashion, shall be grounds for immediate revocation of the permit and subsequent removal of the holding tank.

Section 12.8 The Inspector upon completion of any inspection, shall make a complete report of all details of the inspection to the Board.

ARTICLE XIII: FINES AND PENALTIES

Section 13.1 Any landowner, person, firm or corporation found to violate any of the provisions of this Ordinance, or who fails to act in compliance with this Ordinance shall be sentenced to pay a fine of not less than \$100.00 and not more than \$300.00.

Section 13.2 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.

Section 13.3 In the event that the violation or the lack of correction is caused by circumstances beyond the landowner's control, the landowner shall notify the Township in order to receive an extension of time; the length of extension shall be determined by the Board.

Section 13.4 In addition to any other remedies provided in this Ordinance; any violation of Section 4.3 concerning the landowner's responsibility to maintain a holding tank shall constitute a nuisance and shall be abated by the Township though the power afforded it under Article VII, Section 702, Para. XII of the Second Class Township Code of the Commonwealth of Pennsylvania as amended.

Section 13.5 Fines and penalties prescribed under this Ordinance shall be collected by suit or summary proceeding brought in the name of the Township of Lenox under authority granted it by Article VII, Section 702, Para. XLI of the Second Class Township Code of the Commonwealth of Pennsylvania as amended.

ARTICLE XIV: REPEAL

Section 14.1 All ordinances or resolutions or parts of Ordinances or resolutions, insofar as they are inconsistent herewith, be and the same are hereby repealed.

ARTICLE XV: SEVERABILITY

Section 15.1 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 effect 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 of Lenox, Susquehanna County, Pennsylvania, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof been corrected or not included therein.

ARTICLE XVI: EFFECTIVE DATE

Section 16.1 This Ordinance shall be and become effective five (5) days after the date of enactment.

ENACTED AND ORDAINED this _____ of _____, 1995.

LENOX TOWNSHIP BOARD OF SUPERVISORS

Attested: _____
Secretary