

ORDINANCE NO. 76-1

AN ORDINANCE ESTABLISHING THE RIGHT TO INSTALL HOLDING TANKS AND THE CRITERIA THEREFOR, ESTABLISHING PROCEDURES FOR INSURING THE MAINTENANCE, OPERATION, PUMPING, CLEANING AND REMOVAL THEREOF AND ESTABLISHING PENALTIES FOR VIOLATION.

BE IT AND IT HEREBY IS, by the Board of Supervisors of West Bradford Township, ENACTED and ORDAINED:

Section 1: Purpose. 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 West Bradford Township.

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

(a) Supervisors: Supervisors shall mean the Board of Supervisors of West Bradford Township, Chester County, Pennsylvania.

(b) Holding Tank: Holding tank means a watertight receptacle or a series thereof 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.

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: 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.

(d) Owner: Owner shall mean any person vested with ownership, legal or equitable, sole or partial, as well as any person in total or partial control or possession of any property located in the Township.

(e) Person: Person shall mean any individual, partnership, trust, company, association, corporation, or other group or entity, but shall not include West Bradford Township, and with respect to penalties for violations imposed under Section 10, shall include each and all partners, officers and directors of any such person.

(f) Sewage: 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. It is contemplated that the term "sewage" shall be broadly construed and shall be co-extensive within the meaning ascribed thereto under the regulations of the Department of Environmental Resources of the Commonwealth of Pennsylvania.

(g) Municipality: Municipality shall mean West Bradford Township, Chester County, Pennsylvania.

(h) Issuing Authority: The issuing authority shall be deemed to mean and include the Department of Environmental Resources (DER) and to the extent of the DER'S delegation of its authority, the Chester County Department of Health.

Section 3: Rights and Privileges Granted. The issuing authority is hereby authorized and empowered to undertake within the Township the issuance of permits and the regulation of operation of holding tanks for the collection, transportation and disposal of sewage, which said power shall include, but shall not be limited to the establishment in conjunction with the Township of requirements for reasonable security to insure the proper maintenance, operation, pumping, cleaning and removal by the owner and/or operator thereof.

The authority hereby granted shall be deemed a limited authority for the authorization of holding tanks served by public utilities where permanent sewage and off-site sewage treatment facilities are to be in operation by that same public utility within *18* months of the date of the issuance of the holding tank permit and appropriate surety has been posted with West Bradford Township by the

public utility to secure (a) the construction and operation of the permanent off-site facilities and; (b) the interim installation, maintenance, pump out and removal of the holding tanks.

Section 4: Rules and Regulations.

(a) To the extent that the same are not in conflict with the rules and regulations of the issuing authority, the Township is hereby authorized and empowered to adopt such rules and regulations concerning holding tanks and the operation, maintenance, pumping, cleaning and removal of holding tanks and for the general administration of the ordinance which it may deem necessary from time to time to effect the purposes herein.

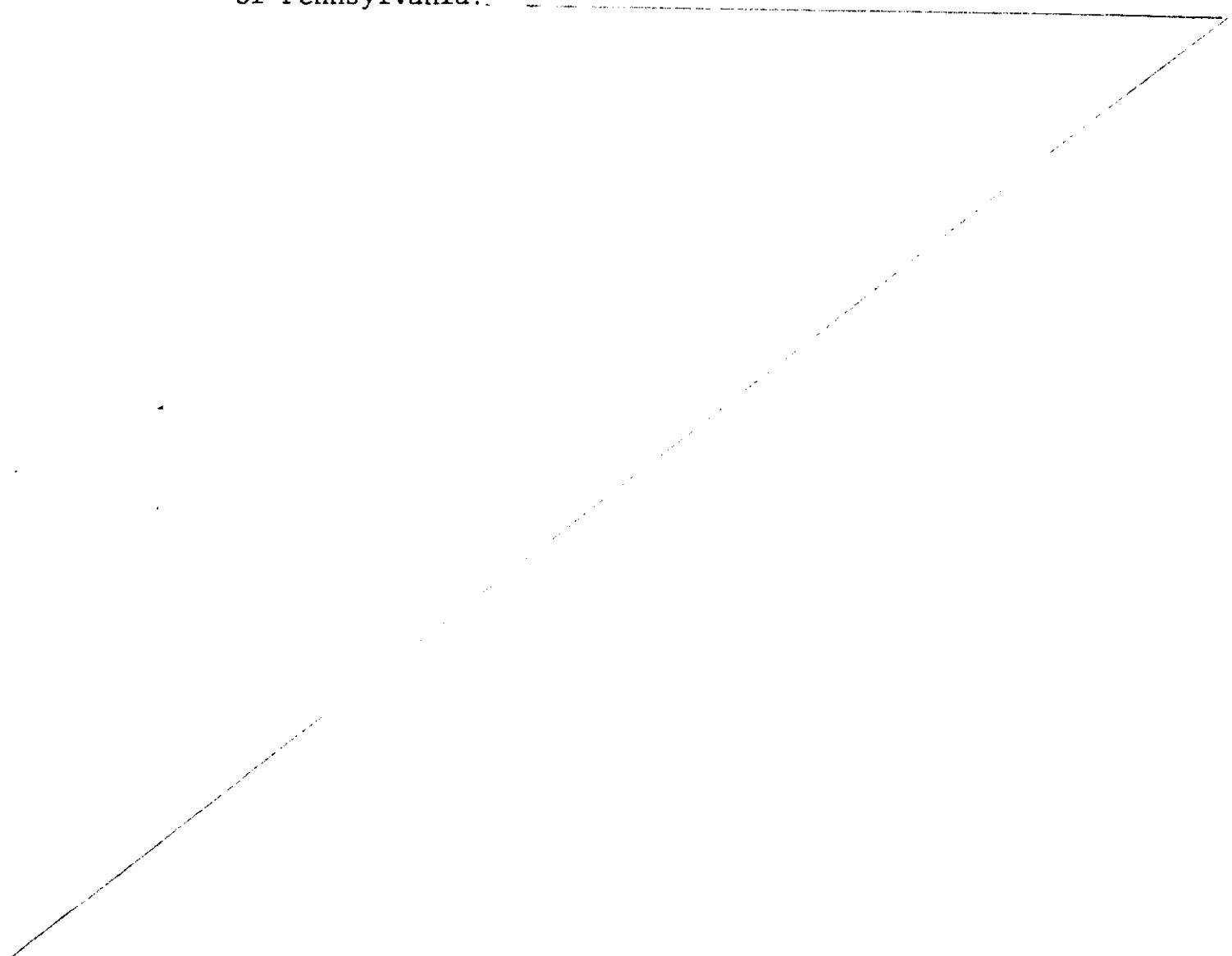
(b) Size. The holding tank shall be a minimum of 1,000 gallon per dwelling unit capacity and in addition shall be large enough to hold at least three days' sewage from all dwelling units served thereby. The tank shall be watertight.

(c) Isolation Distances. The following figures shall be minimum isolation distances for holding tanks:

- (1) Property line or right-of-way10 feet
- (2) Occupied buildings.....10 feet
- (3) Individual water supply or water supply system suction line.....50 feet
- (4) Water supply line under pressure.....10 feet
- (5) Streams, lakes or other surface waters.....25 feet

(d) Warning Device. A warning device shall be provided that will give visual and audible warning (i.e., red indicator) when tank is 75% full.

Section 5: Conformity to Applicable Law. All such rules and regulations adopted by the Township 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: Rates and Charges. Any rates or charges established, fixed, altered, changed, charged or collected shall be subject to the approval of applicable regulatory bodies.

Section 7: (a) No holding tank shall be installed to serve more than a single dwelling unit or a single commercial enterprise except by an authorized public utility duly approved, franchised and regulated by the Public Utility Commission of Pennsylvania.

(b) No holding tank shall be installed nor permit issued for a single dwelling unit or a single commercial enterprise except when directed by the issuing authority to abate an existing health hazard.

Section 8: 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 Township and the issuing authority 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 9: Duties of the Public Utility. The public utility serving the improved properties that utilize a holding tank shall:

(a) Maintain the holding tank in conformance with this or any other ordinance of this Township, the provisions of any applicable law and the rules and regulations of the Township and any administrative agency of the Commonwealth of Pennsylvania or the County of Chester.

(b) Permit only a duly authorized public utility or its agent to collect, transport and dispose of the contents therein.

Section 10: Violations. Any person who violates the provisions of Section 9 or who fails to obtain a permit prior to installation of any holding tank or who violates any term or condition of this Ordinance or any regulations promulgated thereunder or who violates any valid order promulgated pursuant to this Ordinance or who violates the terms of any permit or any condition pursuant to which the permit is issued shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of \$300.00 and costs, and in default of said payment of fine and costs, to undergo imprisonment in the County Prison for a period not in excess of thirty (30) days. Each day that any such violation continues shall be deemed a separate offense, punishable by like fine or imprisonment. Each separate dwelling unit or commercial or industrial enterprise served by or connected to a holding tank, constructed or operated without a valid permit shall, in like manner, be deemed a separate offense punishable by a like fine or imprisonment.

Section 11: Abatement of Nuisances: In addition to any other remedies provided in this Ordinance, any violation of this Ordinance shall constitute a nuisance and shall be abatable by the Township or the issuing authority by appropriate equitable or legal relief by a court of competent jurisdiction.

Section 12: Surety. Prior to installation of any holding tank, the installer shall furnish to the Township a bond with one or more sureties sufficient to the Township in such amount as the Township shall deem proper to secure the proper installation, operation, maintenance, pumping and cleaning of such holding tank and/or sewage lines leading directly or indirectly thereto and further securing the cost of removal at such time as an acceptable alternate permanent system is available, which said bond shall be in such amount as the Township shall determine and shall be renewed annually not less than two months prior to the anniversary date of the issuance of said bond. The bond shall be in form and substance satisfactory to the Township and shall be guaranteed by one or more sureties authorized to write surety bonds in the Commonwealth of Pennsylvania.

Section 13: Holding tanks are declared to be temporary facilities. No holding tank shall be installed unless public sewers shall be available to serve the premises within 18 months after the date of its installation and the public utility installing the said public sewer system shall have filed with the Township a Completion Bond in an amount satisfactory to the Township, securing the completion of thereof within 18 months after the date of issuance of the permit for installation of the holding tank. Further, the authority to continue to operate and maintain the said holding tank shall be deemed to expire 18 months after the issuance of the said permit or at such time as other appropriate means of collection,

treatment and/or disposal are available to the occupied lands served thereby, whichever be the earlier date.

Section 14: Repeal. All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith be and the same are hereby repealed.

Section 15: This Ordinance shall take effect five (5) days after enactment or five (5) days after the date that the Township shall adopt rules and regulations governing the specifications for construction, installation, maintenance and removal of holding tanks, whichever be the later date.

ENACTED and ORDAINED this 13 day of JAN,

1976.

West Bradford Township Board
Of Supervisors

