

ORDINANCE NO. 27 , 1978

AN ORDINANCE ESTABLISHING THE RIGHT TO INSTALL HOLDING TANKS AND THE CRITERIA THEREFORE, 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 Honey Brook 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 Honey Brook 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 Honey Brook Township, Chester County, Pennsylvania.

(b) Holding Tank: Holding tank means a watertight 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.
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 or animals and from which structure sewage shall or may be discharged or any property upon which such a structure is intended to be erected if public sewage disposal is to be available to any existing or proposed structure within twenty-four (24) months of date of enactment of this Ordinance, or if public sewage disposal is not to be available within twenty-four (24) months of the date of enactment of this Ordinance, then the term improved property shall mean any property within the Township upon which there is presently erected a structure intended for continuous or periodic habitation or commercial or industrial usage providing said improved property is experiencing a malfunction of an existing onlot septic system, which malfunction cannot feasibly be rectified.

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

(e) Person: Person shall mean any individual, partnership, company, association, corporation or other group or entity, but shall not include Honey Brook Township.

(f) Sewage: Sewage shall mean any substance, including laundry waste, 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 Environment Resources of the Commonwealth of Pennsylvania.

(g) Municipality: Municipality shall mean Honey Brook Township, Chester County, Pennsylvania

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

Section 4: Rules and Regulations. The Supervisors are hereby authorized and empowered to adopt such rules and regulations concerning holding tanks and the operation, maintenance, pumping, cleaning and removal of holding tanks which it may deem necessary from time to time to effect the purposes herein.

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

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 Board of Supervisors 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 Owner. The owner of any property that utilizes 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 person or its agent to collect, transport and dispose of the contents therein at a final disposal site which site has been approved by the Pennsylvania Department of Environmental Resources to accept such effluent.

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 to which the permit is used shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine and three hundred (\$300.00) dollars 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 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 Supervisors by appropriate equitable or legal relief by a Court of competent jurisdiction.

Section 12: 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 twenty-four (24) months after the date of this Ordinance. Further, the authority to continue to operate and maintain the said holding tank shall be deemed to expire twenty-four (24) 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 13: 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 14: This Ordinance shall take effect five (5) days after enactment

ENACTED AND ORDAINED this 7th day of December - , 1978.

HONEY BROOK BOARD OF SUPERVISORS

James G. Smith

Attested: Barbara P. Jacobs
Secretary

Raymond Means

Richard L. Deck Jr.

DEPS
1900
PENNSYLVANIA