

ORDINANCE 2007- 2

AMENDING CHAPTER 19, ARTICLE V, OF THE CODE OF ORDINANCES
OF WEST POTTSBORO TOWNSHIP ENTITLED "HOLDING TANKS"

WHEREAS, the Board of Commissioners of West Pottsgrove has determined that in situations involving malfunctions of on-lot sewage disposal systems, it may be necessary to permit the use of holding or retaining tanks in order to abate a nuisance or public health hazard.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Commissioners of West Pottsgrove Township, Pennsylvania, that the following sections of Chapter 19, Article V, entitled "Holding Tanks" are amended, as follows:

SECTION ONE:

Sec. 19-132. Definitions.

Use Permit shall mean a permit issued by the authority permitting the use of a holding tank in West Pottsgrove Township.

Sec. 19-133. Rights and Privileges Granted.

The authority is hereby authorized and empowered to undertake within the Township the control and methods of holding tank sewage disposal and the collection and transportation thereof. The authority may approve such holding tank sewage disposal if it shall find adequate evidence that the proposed use of the holding tank would serve the public interest. The purpose of this article is that such holding tank use may be permitted upon application to and approval by the authority, subject to the following conditions:

- (1) The use of the holding tank at the time of the application would not have a detrimental affect upon the use of neighboring properties.
- (2) That the use of the holding tank is the only feasible method of sewage disposal for the property in question.
- (3) That the use of the holding tank would be suitable for the property in question and designed, constructed, operated and maintained in

accordance with the requirements of this Article, as well as the Pennsylvania Department of Environmental Protection planning and design standards for holding tanks, as set forth in the Pennsylvania Code.

- (4) That the Montgomery County Health Department approve and issue a construction permit for the holding tank installation on the said property.
- (5) That the authority determine that the use of the holding tank is necessary to abate an existing nuisance or a public health hazard at the said property.
- (6) That security shall be posted with the authority in an amount necessary to provide for the yearly costs of maintenance and inspection of the holding tank and the yearly cost of disposal of holding tank contents, which security shall be deposited with the municipality prior to the issuance of a use permit for the holding tank. Such security shall be in an amount no less than \$7,500 per tank and shall be held by the municipality until the holding tank is no longer in use.
- (7) That a sewer moratorium has been imposed by the Department of Environmental Protection which has resulted in a ban upon the issuance of sewer connection permits within the township, and the authority in the exercise of its discretion determines that the holding tanks may be used until the ban on connections is removed.
- (8) That, in appropriate cases, the use of the holding tanks shall be established by specific dates, as will in the judgment of the authority serve the intention and purpose of this article and the requirements of the regulations set forth in the Pennsylvania Code.

Sec. 19-137. 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 authority, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.

Sec. 19-138. Duties of improved property owner.

The owner of an improved property that utilizes a holding tank shall:

- (1) Secure a use permit from the authority prior to the discharging of any sewage from the premises.
- (2) Maintain the holding tank in accordance with this and any other ordinance of this municipality, the provisions of any applicable law and the rules and regulations of the authority and any administrative agency of the Commonwealth of Pennsylvania. Such holding tanks shall be sealed and otherwise treated so that no odor shall escape therefrom, and shall be pumped at times and frequencies to ensure that the tank shall at no time contain an amount of waste in excess of eighty (80%) percent of its capacity.
- (3) Assume responsibility for the collection, transportation and disposition of the contents therein with a holding tank cleaner who is approved by the authority and the Pennsylvania Department of Environmental Protection. The property owner shall supply, prior to the issuance of the holding tank use permit, evidence of a written contract with a holding tank cleaner approved by the Department of Environmental Protection providing for the collection and disposal of the holding tank contents and designation of the proposed ultimate disposal site which has also been approved by the Pennsylvania Department of Environmental Protection.
- (4) During the term of use of a holding tank, provide copies of pumping receipts for such permitted holding tank to the authority on a monthly basis.
- (5) Obtain an inspection of the holding tank from an accredited holding tank inspection agency and submit a written inspection report on the condition of said tank to the authority on an annual basis. Any repairs or maintenance recommended by the inspection agency shall be made by and at the expense of the property owner.
- (6) Enter into an agreement with the authority which shall be recorded in the Office of the Recorder of Deeds of Montgomery County agreeing to the above condition and authorizing the entry of liens

against the property serviced by the holding tank for any costs and/or attorney's fees incurred by the authority relating to the enforcement of the provisions of this ordinance against the said property or owner thereof.

SECTION TWO. REPEAL. All ordinances or resolutions or parts of ordinances or resolutions, insofar as they are inconsistent herewith, are hereby repealed.

SECTION THREE. 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 ordinances. It is hereby declared as the intent of the Board of Commissions of West Pottsgrove 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 FOUR. EFFECTIVE DATE. This ordinance shall become effective immediately.

SECTION FIVE. INTENTION. It is the intention of the Board of Commissioners that the provisions of this ordinance shall become a part of the Code of Ordinances of West Pottsgrove Township and that sections of this ordinance may be renumbered to accomplish this intention.

ENACTED AND ORDAINED by the Board of Commissioners of West Pottsgrove Township, Montgomery County this 7th day of November, 2007.

BOARD OF COMMISSIONERS
WEST POTTS GROVE TOWNSHIP

By: Patricia Warsheski
Patricia Warsheski, President

Attest: Joanne Herb
Joanne Herb, Secretary