

Chapter 18

Sanitary Sewers and Sewage Disposal

Part 1 Holding Tanks

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Part 1**Holding Tanks****§18-101. Purpose.**

The purpose of this Part is to establish procedures for the use, operation and maintenance of holding tanks designed to receive and retain sewage from the specific uses and facilities identified in this Part. It is hereby declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of the Township.

(Ord. 157, 2/2/2010, §1)

§18-102. Definitions.

For purposes of this Part, the following words and terms shall have the meanings set forth below unless otherwise expressly stated.

Allegheny County Health Department (ACHD) - the Allegheny County Health Department or any agency successor thereto.

Board of Supervisors - the Board of Supervisors of Frazer Township, Allegheny County, Pennsylvania.

Department of Environmental Protection (DEP) - the Department of Environmental Protection of the Commonwealth of Pennsylvania or any agency successor thereto.

Frazer Township - Frazer Township, Allegheny County, Pennsylvania.

Frazer Township Authority (FTA) - the Frazer Township Authority or any successor entity thereto.

Holding tank - a retaining tank, whether permanent or temporary, to which sewage is conveyed by a water carrying system.

Land Development - see definition in §22-202 of the Subdivision and Land Development Ordinance [Chapter 22].

Lot - a tract of land in a plan of subdivision or any other parcel of land described in a deed or legal instrument pursuant to the laws of the Commonwealth of Pennsylvania intended to be used as a unit for development or transfer of ownership.

Owner - any person vested with ownership, legal or equitable, sole or partial, of any property located in Frazer Township.

Person - unless otherwise specified, person shall mean both the singular or plural, male or female, firm, business, partnership, association, limited liability company or corporation, or any other legal entity.

Property - same as "lot."

Public sewer system - sewage facilities approved and permitted by the DEP and owned by the Township or a municipal authority.

Retaining tank - a watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of sewage at another site. This term includes a holding tank.

Sewage - a substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and 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. This term includes any substance which constitutes pollution under the Pennsylvania Clean Streams Law, 35 P.S. §§691.1 through 691.1001, as amended.

Sewage facilities - a system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste.

Subdivision - see definition in §22-202 of the Subdivision and Land Development Ordinance [Chapter 22].

Subdivision and Land Development Ordinance - Chapter 22 of the Frazer Township Code of Ordinances, Subdivision and Land Development, as amended.

Township - Frazer Township or the authorized designee of the Board of Supervisors.

Zoning Ordinance - Chapter 27 of the Frazer Township Code of Ordinances, Zoning, as amended.

(Ord. 157, 2/2/2010, §1)

§18-103. Rights and Privileges Granted.

The Township is hereby authorized and empowered to undertake, within Frazer Township, the control and methods of holding tank use, sewage disposal and sewage collection and transportation thereof.

(Ord. 157, 2/2/2010, §1)

§18-104. Rules and Regulations.

The Township is hereby authorized and empowered to adopt by resolution such rules and regulations concerning holding tanks which it may deem necessary from time to time to effect the purposes of this Part.

(Ord. 157, 2/2/2010, §1)

§18-105. Fees, Rates and Changes.

1. *General.* The Township shall have the right and power to fix, alter, charge and collect fees, rates, assessments and other charges related to holding tanks within Frazer Township; provided, that the amount of such fees, rates, assessments and charges are established from time to time by resolution.

2. *Review and Inspection Fees and Expenses.* The owner of the lot on which a holding tank is located shall reimburse the Township for all fees and expenses incurred by the Township related the review and/or inspection of any matter under this Part including, but not limited to, the reasonable and necessary charges by the Township's

professional consultants, the Township Engineer and/or the Township Solicitor for the review of and report on a holding tank under this Part.

(*Ord. 157, 2/2/2010, §1*)

§18-106. Approval Required.

1. No person shall install a holding tank in Frazer Township or occupy any building or structure in Frazer Township for which a holding tank is to be installed without first obtaining approval from the Township.

2. A request for Township approval of a holding tank shall be made in writing and in such format prescribed by the Township. This request shall include:

A. A copy of the ACHD written approval of the subject holding tank.

B. A copy of the application materials filed with the ACHD for the subject holding tank.

C. Any other information or material deemed necessary by the Township.

D. The applicable Township application fee and/or deposit.

3. The Township shall revoke an approval granted under this Part at any time for one or more of the reasons provided in 25 Pa.Code §72.28(a). The revocation of any such approval shall comply with the notice and procedural requirements of 25 Pa.Code §72.28(b) and (c).

(*Ord. 157, 2/2/2010, §1*)

§18-107. Restrictions on Holding Tank Use.

The use of holding tanks shall only be permitted in Frazer Township if the following criteria are satisfied:

A. The minimum capacity of a holding tank shall be 1,000 gallons. The maximum capacity of a holding tank shall be 1,250 gallons.

B. A holding tank shall only be utilized for a use that has: (1) an average daily sewage flow of 25 gallons; and (2) a total annual sewage flow of no more than 9,125 gallons.

C. No more than one holding tank shall be permitted on a lot.

D. The construction, installation, use, operation and maintenance of any holding tank within Frazer Township shall otherwise be in accordance with all applicable Federal, State and County laws, statutes, ordinances and regulations as amended from time to time, including but not limited to the regulations of the DEP and ACHD.

E. Where a holding tank exists on a property that is the subject of a subdivision or land development application, the owner of the lot on which the holding tank is located shall obtain certification from the ACHD that the existing holding tank is functioning with no apparent malfunctions or, where the holding tank is found not to be acceptable, it shall be repaired or replaced, as a condition of the approval of the subdivision or land development plan by the Board of Supervisors. In the event the repair or replacement is not a timely option, adequate financial security may be provided in lieu of the completed repair, replacement or

construction, in accordance with Part 5 of the Subdivision and Land Development Ordinance [Chapter 22].

F. Each holding tank shall be located on the same lot as the use it will serve and shall comply with setback distances, isolation distances, etc., of the DEP regulations located in Title 25, Chapter 73, of the Pennsylvania Code, Standards for Onlot Sewage Systems, as amended, and any other regulation of the DEP and ACHD. If a holding tank is located on property that is the subject of a subdivision or land development plan, the location the holding tank shall be noted on the subdivision and/or land development plans and the purchaser of the lot on which the holding tank is located shall be provided with a copy of the plans.

G. The restrictions of paragraphs .A through .F above shall not apply when the DEP or ACHD determine that the temporary use of a holding tank is necessary to abate a nuisance or public health hazard.

H. The collection and transportation of all sewage from any lot utilizing a holding tank shall be done solely by and under the direction and control of the ACHD, and the sewage shall only be disposed of at a DEP-approved disposal site.

(*Ord. 157, 2/2/2010, §1*)

§18-108. Duties of Owner.

1. The owner of a lot on which a holding tank is located shall be responsible for all activities associated with the holding tank and shall be responsible for ensuring that the construction, installation, use, operation and maintenance of the holding tank and the activities related thereto conform and comply with all applicable Federal, State, and County laws, statutes, ordinances, resolutions, regulations and permits including, but not limited to, the rules, regulations and permits of the DEP and ACHD.

2. The owner of a lot on which a holding tank is located shall also:

A. Apply for and obtain any and all necessary Federal, State and County permits and approvals for holding tanks in Frazer Township.

B. Provide the Township with a copy of all pumping receipts for the holding tank for the Township's review and retention.

C. Provide the Township with a copy of all written inspection reports related to the holding tank for the Township's review and retention.

D. Permit the DEP, ACHD, Township or their respective agent(s) to collect, transport, and dispose of the contents of the holding tank as necessary to protect the public health and environment.

E. Annually permit the Township and/or its designee to enter upon lands to inspect the holding tank for proper operation, maintenance and contents disposal. The Township may accept ACHD inspection results in lieu of conducting an independent inspection.

F. Pay the applicable rates and charges to the entity that collects and transports sewage from the holding tank.

G. Notify the person or entity that collects and transports sewage from the holding tank when the collection and transportation of said sewage shall become necessary at times other than scheduled times for collection.

H. Prevent any leakage of the contents of said holding tank into the environment, onto the soil or into any water body, and, should leakage occur, immediately cease using all toilet and sewage facilities voiding into the holding tank until said tank is repaired or replaced.

I. Upon construction of a public sewer system within 150 feet of the property utilizing a holding tank, the owner shall, within 60 days after notice by the entity that owns such public sewer system, tap-in all sewage facilities serving the property into such public sewer system and pay any and all fees or costs associated with or required in connection with said tap-in. Prior service of property by a holding tank shall not be construed to relieve the property or the owner from payment of any assessed benefits to the property benefitted by the construction of a public sewer system.

J. Upon completion of the tap-in of any property containing a holding tank into a public sewer system or upon the expiration of 60 days from the date of notice, whichever is sooner, the owner shall collect, transport and dispose of the contents of any holding tank, and shall remove the holding tank from the property. The ACED may give written consent to the owner to fill the holding tank with sand in lieu of removal, provided the same is consistent with the regulations promulgated by the DEP and ACHD.

K. Prior to installing a holding tank within Frazer Township, the owner of the lot on which the holding tank is to be located shall execute an operation and maintenance agreement in a form acceptable to the Township Solicitor. The Township may adopt, from time to time by resolution, such standard form operation and maintenance agreement.

(1) The operation and maintenance agreement may contain conditions imposed on the owner by the Township with respect to construction, usage, payment of fees, operation and maintenance of the holding tank provided that the ultimate responsibility for operation and maintenance of the holding tank is that of the owner.

(2) The operation and maintenance agreement shall contain:

(a) The specific party responsible for the maintenance.

(b) A continuing schedule of regular, specific maintenance.

(c) Assurance of Township access to the control facilities for inspection and/or maintenance.

(d) Understanding that if the party responsible fails to correct specific problems discovered by the Township during inspection and brought to the responsible party's attention, the Township may perform the required work and bill the owner for all costs incurred.

(3) Any violation or breach of an operation and maintenance agreement shall be considered a violation of this Part.

L. In connection with the execution of the operation and maintenance agreement, the owner shall provide the Township with financial security guaranteeing the owner's faithful performance of collection, transportation and disposal of the contents of the holding tank and removal of said tank, in such amounts as determined by the Township. The amount of the financial security shall

be determined by the Township based on the size of the holding tank in relationship to the anticipated use as indicated by the structure said holding tank shall service, the number of times the contents of said holding tank shall need to be collected, transported and disposed within a calendar year, the estimated cost of the collection, transportation and disposal of the contents and the cost of removal of said tank when no longer needed. All financial security shall be renewed annually and shall be required during the use of the holding tank. The Township may annually increase or decrease the principal amount of the financial security. This financial security shall conform to the restrictions set forth in Part 3 of Chapter 1 of the Frazer Township Code of Regulations, Financial Security, as amended, and the requirements set forth in this Part.

(Ord. 157, 2/2/2010, §1)

§18-109. Designated Collector.

1. The ACED may designate one or more persons who shall have the duty and authority to collect and transport all sewage from any property utilizing a holding tank, and the sewage from a holding tank shall only be disposed of by such collector at a DEP-approved disposal site.

2. If the ACHD designates a collector, the owner of the lot on which the holding tank is located shall use such designated collector for the collection and transportation of sewage from a holding tank unless the owner complies with §18-107.3 of this Part.

3. The owner of a lot on which a holding tank is located may request the use of a collector not designated by the ACED, provided that the ACED agrees to permit the use of this alternate collector.

(Ord. 157, 2/2/2010, §1)

§18-110. Compatibility with Other Requirements.

Compliance with this Part shall not relieve an owner of a lot on which a holding tank is located of the responsibility to comply with or to secure permits or approvals for activities regulated by any other applicable Federal, State, County, or Township law, statute, ordinance, resolution or regulation. This Part shall not preclude the inclusion in such other permit of more stringent requirements concerning regulation of holding tanks within Frazer Township. Where a conflict exists between a provision within this Part and that of the applicable DEP or ACED regulation, the more stringent requirement shall govern.

(Ord. 157, 2/2/2010, §1)

§18-111. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, or fails to comply therewith, or with any of the requirements thereof or the rules and regulations adopted hereunder, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$500 nor more than \$5,000 plus costs, including reasonable attorney fees incurred by the Township, and, in default of payment of said fine and costs, to a term of imprisonment to the extent permitted by law for the punishment of

summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this Part is found to exist or for each Section of this Part found to have been violated. The Township may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part. All fines and penalties collected for violation of this Part shall be paid to the Township Treasurer. The initial determination of ordinance violation and the service of any required notice of violation are hereby delegated to the Township Secretary, the Code Official/Building Inspector, the Code Enforcement Officer, the Zoning Officer and their designees and to any other officer, agent or designee that the Township Secretary or the Board of Supervisors shall deem appropriate.

(Ord. 157, 2/2/2010, §1)

§18-112. Failure to Comply; Costs.

If the owner of any real property in Frazer Township neglects or refuses to maintain a holding tank on his lot as required by this Part, the Township may perform or cause to be performed such work as may be necessary to bring the holding tank into compliance with the provisions of this Part and all applicable Federal, State and County laws, statutes, ordinances and regulations including, but not limited to, the repair, removal and/or replacement of the holding tank at the cost and expense of the owner of the subject real property, together with all charges and expenses incidental thereto; which sum shall be collected from said owner for the use of the Township as debts are by law collectible, or if not paid within 6 months of completion, the Township may file municipal liens as provided by law.

(Ord. 157, 2/2/2010, §1)

§18-113. Abatement of Nuisances.

In addition to any other remedies provided in this Part, any violation of §18-108 shall constitute a nuisance and may be abated by the Township by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

(Ord. 157, 2/2/2010, §1)

