

## **Chapter 18**

### **Sewers and Sewage Disposal**

#### **Part 1 Holding Tanks**

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

This Part shall be known as the “Pillow Borough Holding Tank Ordinance.”  
(*Ord. 2010-03, 6/8/2010, §1*)

**§18-102. Permit Violation.**

1. It shall be unlawful for any individual, firm, association, or corporation to erect, construct, or install any holding tank of any kind within the limits of Pillow Borough unless a sewage disposal system permit for the holding tank is issued by the Borough Sewage Enforcement Officer under the authority of the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*

2. It shall be unlawful for any individual, firm, association, or corporation to use, operate, or maintain any holding tank of any kind within the limits of Pillow Borough unless a holding tank operating permit for the holding tank is issued by the Borough Sewage Enforcement Officer under the authority of this Part.

(*Ord. 2010-03, 6/8/2010, §2*)

**§18-103. Definitions.**

For purposes of this Part, holding tank shall be construed to mean a watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate treatment or disposal of the sewage at another site. Holding tanks include, but are not limited to, the following:

*Chemical toilet*—a toilet using chemicals that discharge to a holding tank.

*Portable toilets*—also generally known as “job johnnies,” “porta potties” or by similar names are deemed to be holding tanks for the purposes of this Part.

*Privy*—a holding tank designed to retain sewage where water under pressure is not available.

*Retention tank*—a holding tank to which sewage is conveyed by a water carrying system.

(*Ord. 2010-03, 6/8/2010, §3*)

**§18-104. Permits.**

1. Permits for holding tanks may only be issued when proper application is made meeting the requirements of the various sections of this Part and the specific criteria of either subsection .2 or .3.

2. For other than temporary use under subsection .3, and when §§18-101, 18-102, and 18-103 of this Part apply, a permit may be issued. Permits issued under §18-105.B shall remain in effect until they are revoked or use of the holding tank associated therewith is subsequently discontinued and the tank is removed.

A. The permit application is for use in connection with an existing dwelling

or place of business which the Sewage Enforcement Officer finds cannot be properly served by an on-lot sewage disposal system meeting the requirements of the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, and the regulations issued pursuant thereto.

B. The proposed holding tank will be located at such a place where there will be suitable access for the vehicle necessary to remove the contents of the holding tank when required.

3. A permit pursuant to this Part is not required for temporary use (not to exceed 180 days at a construction site).

4. A permit pursuant to this Part is NOT required for temporary use at a public gathering or entertainment which occurs for fewer than 40 event days per calendar year.

5. The absence of a permit does not relieve the landowner of the provisions of this Part relating to periodic pumping of the holding tank's contents and disposal at Department of Environmental Protection (DEP) permitted or approved sites.

6. The penalty provisions of this Part regarding discharges of holding tanks contents to the surface of the ground or waters of the Commonwealth shall apply even for holding tanks exempt from the Commonwealth.

(Ord. 2010-03, 6/8/2010, §4)

#### **§18-105. Disposal Site Approval.**

No application shall be approved unless the ultimate disposal site for the contents of the holding tank shall be approved or permitted by DEP to receive such materials. The Borough may reject the individual, firm, association, or corporation designated as being responsible for the removal of the contents of the holding tank and/or the individual, firm, association, or corporation designated as being the ultimate recipient of such contents for any reasonable cause including, but not limited to, the following:

A. The proposed ultimate disposal site has not been approved or permitted by DEP or its approval or permit has been suspended or revoked.

B. Such individual, firm, association, or corporation has, in the past, been convicted of depositing sewage or holding tank contents in locations other than those approved by DEP.

(Ord. 2010-03, 6/8/2010, §5)

#### **§18-106. Application for Permit.**

1. All applications for permit under this Part shall be made to the Pillow Borough Sewage Enforcement Officer or designated official of the Borough of Pillow on forms provided by the Borough. The application for a permit shall be signed by the owner or owners of the property on which the holding tank is to be located.

2. The applicant shall submit with the permit application an application fee in an amount which is, from time to time, established by the Borough Council, by resolution.

(Ord. 2010-03, 6/8/2010, §6)

**§18-107. Application Payments/Application Funds.**

1. The applicant shall submit with the permit application an escrow payment in an amount which is, from time to time, established by the Borough Council, by resolution. Said amount shall be held in escrow by the Borough to be used by the Borough to pump, repair, or restore the system or its components to normal working order in the event that:

A. The contracted pumper fails to pump the system in a timely manner and when such failure results in a discharge of sewage to the surface of the ground or the waters of the Commonwealth.

B. The system or any of its components is discovered, upon inspection, to be defective, unsafe or unsatisfactory.

2. In the event that the Borough uses all or part of the escrow funds, the landowner shall, upon written notice from the Borough, make such additional deposit as to restore the escrow account to full value and, if necessary, repay any amount expended by the Borough in excess of the escrow amount.

3. Any sums remaining in the escrow shall be returned to the applicant upon the removal of the holding tank.

4. No interest shall be paid on escrow funds. All interest that may be earned shall be applied to offset the administrative costs of this Part and its related activities.

*(Ord. 2010-03, 6/8/2010, §7)*

**§18-108. Tank Capacity.**

All holding tank systems shall have a minimum total liquid capacity of 1,000 gallons or 3 days volume and meet all requirements of 25 Pa.Code, Chapter 73, regarding construction, and must be installed in a manner which insures that they will not float when empty.

*(Ord. 2010-03, 6/8/2010, §8)*

**§18-109. Alarm System.**

1. Every holding tank shall be equipped with an audible alarm system which will give warning when the tank is filled to 75 percent capacity.

2. Every holding tank shall be equipped with a visible alarm system which will give warning when the tank is filled to 75 percent capacity.

3. It shall be a violation of this Part to shut off, tamper with, or render an audible or visible alarm inoperative.

4. In the event the Sewage Enforcement Officer finds that either alarm system on any holding tank has been tampered with or rendered inoperative, within 3 days of the notice of discovery, he shall notify the landowner, in writing, of the need to restore the system to proper working condition.

5. If the repairs are not completed within 3 days of receipt of said notice, the Sewage Enforcement Officer shall use the escrow funds to cause the system to be restored.

*(Ord. 2010-03, 6/8/2010, §9)*

**§18-110. Disposal of Tank Contents.**

The holder of a permit issued pursuant to this Part shall:

A. Notify the DEP approved individual, firm, association, or corporation responsible for the removal of holding tank contents at such time that the tank is filled to within 75 percent of capacity.

B. Permit only the DEP permitted individual, firm, association, corporation to remove holding tank contents.

C. Cause the individual, firm, association, or corporation designated to remove holding tank contents to report to the Borough a record of each pumping activity.

(Ord. 2010-03, 6/8/2010, §10)

**§18-111. Holding Tank Inspections, Fees, Permit Revocation.**

1. Following the issuance of a permit pursuant to this Part, the Sewage Enforcement Officer shall, from time to time, inspect the holding tank but not less frequently than once a year.

2. In the event the Sewage Enforcement Officer finds the holding tank to be filled in excess of 75 percent of capacity, the permittee shall, within 10 days after being billed, therefore, pay to the Borough an inspection fee in an amount periodically set by the Borough Council, by resolution.

3. In the event the Sewage Enforcement Officer finds that the holding tank is filled to more than 85 percent of capacity, he shall promptly make arrangements to have the holding tank pumped, and the costs of such removal shall be paid from the funds held in escrow. In the event the permit holder fails to pay the above referred to inspection fee within the 10-day period, the Sewage Enforcement Officer may, in addition, revoke the permit issued pursuant to this Part, and all amounts remaining in the escrow fund after payment of the inspection fee and payment of the costs of removal of the contents of the holding tank shall be forfeited to the Borough.

4. In the event that the permit issued pursuant to this Part is revoked, the holding tank shall be removed within 10 days from the date of the revocation notice of the permit.

(Ord. 2010-03, 6/8/2010, §11)

**§18-112. Tank Contents Pumped Out.**

1. Holding tanks shall be pumped to the standards incorporated in the Pillow Borough Sewage System Management Ordinance.

2. Whenever a holding tank's contents are pumped out, it shall be the responsibility of the individual, firm, or corporation designated in the application to remove holding tank contents to report such pumping activity to the Borough supplying all information required thereon.

(Ord. 2010-03, 6/8/2010, §12)

**§18-113. Operating Permit and Provisions.**

1. Permits issued under this Part are not transferable.

2. All holding tanks in Pillow Borough, whether or not they were installed pursuant to a permit from the Sewage Enforcement Officer are subject to the operating permit provisions of this Part.

3. Within 30 days of the enactment of this Part, the owner of every property served by a holding tank shall apply for a holding tank operating permit as required by this Part.

(Ord. 2010-03, 6/8/2010, §13)

**§18-114. Disclosure.**

1. It shall be the responsibility of the owner of real property served by a holding tank which was installed, permitted, or operated pursuant to this Part to disclose that fact to all prospective buyers.

2. When the ownership of a property served by a holding tank is transferred, the subsequent (new) owner shall obtain a permit under this Part prior to the transfer of title:

A. Until such time as a permit is issued in the name of the new owner, the previous owner shall be responsible and liable for the operation and maintenance of the holding tank on the property in question.

B. When the new owner makes the necessary application and escrow payments, and after transfer of title, any positive escrow account balance shall be refunded to the previous owner.

C. Until any negative escrow account balance is paid, no new permit shall be issued and the previous owner shall be responsible and liable for the operation and maintenance of the holding tank.

D. Prior to issuing a permit under this Part to a new owner, the Sewage Enforcement Officer shall inspect the holding tank in the usual and customary manner, and any deficiencies found shall be corrected before the structure can be occupied or a new permit issued.

(Ord. 2010-03, 6/8/2010, §14)

**§18-115. Penalty.**

1. Any person, firm or corporation who shall violate any provision of this Part, 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 more than \$1,000 plus costs and reasonable attorney fees incurred by the Borough in the enforcement proceeding and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [A.O.]

2. In addition to any other actions to obtain compliance, the Borough may assess civil penalties as described in the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*

(Ord. 2010-03, 6/8/2010, §15; as amended by A.O.)

**§18-116. Permit Violation and Other Permits.**

No individual, firm, association, or corporation which owns property which is in violation of any of the provisions of this Part shall be issued a permit to erect, construct, install, or maintain a holding tank on a different property until the current violation has been cured.

*(Ord. 2010-03, 6/8/2010, §16)*

**§18-117. Amendments.**

Any portion of this Part may be reviewed and amended periodically by resolution of the Borough of Council.

*(Ord. 2010-03, 6/8/2010, §18)*

**§18-118. Previous Enactments.**

Any holding tank ordinance or portions of ordinance which are in effect as of the effective date of this Part and whose requirements are less than the minimum requirements of this Part are hereby amended to conform with the comparable provisions of this Part.

*(Ord. 2010-03, 6/8/2010, §19)*