

ORDINANCE NO. 124

AN ORDINANCE PERMITTING AND REGULATING THE USE OF HOLDING TANKS FOR CERTAIN RESIDENTIAL SANITARY AND SEWAGE PURPOSES IN THE TOWNSHIP OF EAST NORRITON, MONTGOMERY COUNTY, PENNSYLVANIA, AND DESCRIBING PENALTIES FOR VIOLATIONS.

The Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania hereby enacts and ordains, as follows:

Section 1. Intent. The intent of this Ordinance is to establish procedures for the use and maintenance of holding tanks designed to receive and retain sewage from certain residential 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 this Township during the time that a connection ban imposed by the Environmental Protection Agency is in effect.

Section 2. Definition. The following words, terms and phrases, as used in this Ordinance, shall have the following meanings given herein. When not inconsistent with the context, words used in the singular include the plural, words in the plural include the singular, and words used in the present tense include the future. The word "shall" is always mandatory.

A. "Board" shall mean the Board of Supervisors of

East Norriton Township, Montgomery County, Pennsylvania, or their authorized representative.

B. "Holding Tank" means a water tight 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" shall mean any property within the Township upon which there is erected a residential structure intended for continuous or periodic occupancy or use by human beings or animals, and from which structure sewage shall or may be discharged and which would ordinarily be served by public sanitary sewers, but for the sewer connection ban imposed by the Environmental Protection Agency.

D. "Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

E. "Person" or "Persons" shall mean any person or persons, male or female, corporation, partnership, association, company, individual, owner, occupant, lessee, tenant or any organization.

F. "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.

G. "Township" shall mean the Township of East Norriton, Montgomery County, Pennsylvania.

Section 3. Rights and Privileges Granted. That the Board 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.

Section 4. Rules and Regulations. That the Board is hereby authorized and empowered to adopt by resolution such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein.

Section 5. Rules and Regulations to be in Conformity with Applicable Law. All such rules and regulations adopted by the Board shall be in conformity with the provisions herein, all other Ordinances of the Township, all applicable laws and applicable rules and regulations of administrative agencies of the

Commonwealth of Pennsylvania, particularly the Department of Environmental Resources and, in particular, the regulations set forth in Chapter 71, Section 71.51 and 71.52 and Chapter 73, Section 73.81 and Section 73.82.

Section 6. Maintenance of System. All applications for holding tank systems shall include a contract for maintenance by a disposal agency approved by the Board. Such contract shall include, but not be limited to, name of contractor, method of maintenance, method of disposal, frequency of inspection and ultimate place of disposal of all waste. Such contract shall be required to remain in force for the entire period of operation of the system. Failure by the owner to renew such contract or submit proof of another approved contract shall constitute a violation of this Ordinance. The system must be inspected by the approved disposal agency a minimum of three times per year. Further, prior to the issuance of any building permits for any residential dwelling that will utilize a holding tank, a performance bond must be posted with the Township in an amount equal to three years contract price for sewage removal, and for the cost of removal of the holding tank as estimated by the Township Engineer, which shall run for the entire period that the holding tank is to be in use. This bond shall be conditioned upon the land owner or, in the case of a development, the developer maintaining the holding tank system in accordance with the rules and regulations of this Ordinance.

Section 7. Charges. The Board shall, by resolution,

have the power to fix, alter, charge and collect such fees or costs as may be necessary to properly enforce this Ordinance.

Section 8. Use and Occupancy Permit. By obtaining permission to use a holding tank under this Ordinance, the owner of the subject property shall agree that any failure to make timely removal of the contents of the holding tank, or any other violation of this Ordinance or sanitary requirements, will subject the owner to an automatic revocation of the Use and Occupancy Permits issued for the subject properties.

Section 9. Exclusiveness of Rights and Privileges. The collection and transportation of all sewage from any improved property using a holding tank shall be done solely by or under the direction of the Board, 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 10. Duties of Improved Property Owner. The owner of an improved property that utilizes a holding tank, or a developer in the case of a development, shall:

A. Maintain the holding tank in conformance with this or any Ordinance of this Township, the provisions of any applicable law, and the rules and regulations of the Board, and any administrative agency of the Commonwealth of Pennsylvania.

B. Permit only an approved agency acting in accordance with the regulations of the Board to collect, transport and dispose

of the contents therein.

C. Install prior to the approval of any holding tank an approved public sewage system serving the lot to be connected to the holding tank to insure future connection with the public sewer system.

D. Connect within thirty (30) days after notice from the Township to the public sewer system once the sewer ban imposed by the Environmental Protection Agency is removed.

E. Remove the holding tank system within thirty (30) days after connection to the public sewage system.

F. Within twenty-four (24) hours of the execution of an Agreement of Sale for the sale of any lot to be connected to a holding tank, the landowner shall submit to the Township an executed statement in form to be designed by the Township Zoning Officer in which the purchaser acknowledges that the purchaser has been advised of the terms of this ordinance and understands the procedures, penalties and fines for noncompliance with this ordinance.

Section 11. Violations. Any person who violates any provisions of this Ordinance shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not more than \$300.00 plus costs, and in default of said fine and costs,

to undergo imprisonment in Montgomery County Prison for a period of not in excess of ten (10) days. After notice of a violation, each day that the violation continues shall be considered a separate violation.

Section 12. Abatement of Nuisances. In addition to any other remedies provided in this Ordinance, any violation of this Ordinance may be deemed to constitute a nuisance and may be abated by the Board by either seeking appropriate equitable or legal relief from a court of competent jurisdiction.

Section 13. Amendment of Official Plan. The appropriate officials of the Township are directed to take such action as may be necessary to amend the official plan of East Norriton Township to implement the purposes of this Ordinance.

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.

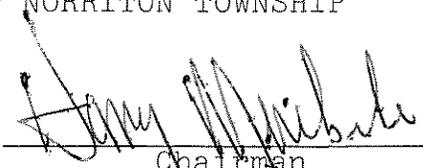
Section 15. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board that this Ordinance would have been adopted had such constitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

Section 16. Effective Date. This Ordinance shall become effective five (5) days after its adoption and is terminated upon removal of the Environmental Protection Agency ban set forth in its Order No. III-76-3-W.

APPROVED AND ADOPTED as an Ordinance of the Township of East Norriton, this 4th day of May, A.D. 1976.

BOARD OF SUPERVISORS OF
EAST NORRITON TOWNSHIP

By:


Chairman

Attest:


Secretary