

TOWNSHIP OF OHIO  
ORDINANCE NO. 138

AN ORDINANCE OF THE TOWNSHIP OF OHIO, COUNTY OF ALLEGHENY AND THE COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING PROCEDURES FOR THE USE AND MAINTENANCE OF HOLDING TANKS DESIGNED TO RECEIVE AND RETAIN SEWAGE AND PROVIDING PENALTY FOR NON-COMPLIANCE THEREWITH.

WHEREAS, the Township contains isolated areas which have not yet been provided with sanitary sewer lines; and

WHEREAS, for development and use of said isolated areas, holding tanks designed to receive and retain sewage are necessary until the construction of sanitary sewers; and

WHEREAS, the regulation of said holding tanks is necessary for the protection of the Public; and

WHEREAS, THE Township of Ohio organized the Ohio Township Sanitary Authority by Resolution No. 5-1983, which was incorporated on March 31, 1983, and as an Authority cannot enact Ordinances.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Ohio, and it is hereby ORDAINED and ENACTED as follows:

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, commercial, industrial and recreational 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.

SECTION 2. DEFINITION. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

(a) "Township" shall mean the Township of Ohio.

(b) "Sewage Treatment Officer" shall mean the Sewage Treatment Officer of the Ohio Township Sanitary Authority.

(c) "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 system where sewage is conveyed to said tank by a water carrying system.

3. "Vault Pit Privy" which is a holding tank system designed to receive sewage where water under pressure is not available.

(d) "Improved Property" shall mean any property within the Township upon which there is erected a structure intended for continuous or habitual habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

(e) "Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located within the Township.

(f) "Person" shall mean any individual, partnership, company association, corporation or any other group or entity.

(g) "Lessee" shall mean any person who has a leasehold interest in any realty within the Township, whether the original lessee or a sub-tenant.

(h) "Sewage" shall mean any substance that contains any of the waste products or excrement or other discharges from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, welfare or safety, or to animal or aquatic life or to the streams and rivers, or to the use of water whether for domestic water consumption, supply or recreation.

SECTION 3. That the Board of Supervisors of the Township of Ohio hereby authorizes the Ohio Township Sanitary Authority to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to control the methods of holding tank sewage collection, transportation and collection thereof; and the Ohio Township Sanitary Authority may adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein. Such rules and regulations shall be adopted by the Authority either by Motion or Resolution.

SECTION 4. That all such rules and regulations adopted by the Ohio Township Sanitary Authority shall be in conformity with

all applicable laws and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

SECTION 5. That the collection and transportation of sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the Sewage Treatment Officer, and the disposal thereof shall be made only in accordance and only at such site or sites as may be approved and regulated by the Department of Environmental Resources of the Commonwealth of Pennsylvania, and any other rules and regulations applicable by any administrative agency authorized by applicable law to enact said rules and regulations.

SECTION 6. Duties of the Improved Property Owner or Lessee. The owner and the lessee, severally and jointly of an improved property that utilizes holding tanks, shall:

(a) Maintain the holding tank in conformance with this Ordinance and any other Ordinance of the Township, the provisions of any applicable law, the rules and regulations of the Ohio Township Sanitary Authority and any other administrative agency of the Commonwealth of Pennsylvania or Allegheny County.

(b) That any owner or lessee, prior to the collection, transportation and disposal of the contents of any holding tank, shall make application to the Sewage Treatment Officer setting forth the following:

1. The name of the person making such collection.
2. The method of collection and transportation.

3. The name and location of the disposal site.

(c) Upon the receipt of the application, the Sewage Treatment Officer shall review the application for compliance with any rules and regulations of the Ohio Township Sanitary Authority, or provisions of any applicable law.

(d) If the Sewage Treatment Officer disapproves the application for collection and disposal, the Sewage Treatment Officer shall by written statement, state the objections of the Ohio Township Sanitary Authority and what provisions are necessary to correct said application. The owner and lessee shall immediately take steps to correct the deficiencies of the application and resubmit a new application for collection, transport and disposal of the contents therein.

(e) The collection, transportation and disposal of the contents of any holding tank shall be done at the cost of the owner and/or lessee severally or jointly, PROVIDED, however, if, in the opinion of the Sewage Treatment Officer that the owner or lessee has neglected or failed to collect, transport and dispose of the contents of any holding tank as may be necessary, the Sewage Treatment Officer is authorized to engage a qualified person to collect, transport and dispose of the contents of said holding tank. The cost of such collection, transportation, and disposal, shall be billed to the owner and/or lessee, jointly or severally.

(f) That prior to the construction of any holding tank authorized by the Sewage Treatment Officer pursuant to this Ordinance,

or any other applicable written law, rules and regulations, the owner and/or lessee shall make application for a holding tank permit together with payment of a THREE HUNDRED (\$300.00) DOLLAR license fee to the Ohio Township Sanitary Authority. In addition to the fee required, the owner and/or lessee shall be required to place with the Ohio Township Sanitary Authority a performance bond with approved security conditioned upon the 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 Engineer retained by the Ohio Township Sanitary Authority for this purpose. In setting the amount of the Bond, such Engineer shall determine the size of the holding tank in relationship to the anticipated use as indicated by the structure or dwelling said holding tank shall service, and shall make a calculation as to the number of times the contents of said holding tank shall need collected, transported and disposed within a calendar year, and the cost of removal of said tank when no longer needed. Such Engineer shall further estimate the cost of the collection, transportation and disposal of the contents therein for each annual year which shall be the principal amount of the Bond required. All said Bonds with approved surety shall be renewed annually and shall be required during the use of said tank. The principal amount of said Bond may be increased or decreased annually by such Engineer in accordance to the anticipated cost as determined by the aforesaid calculations.

(g) Should any owner and/or lessee neglect or fail to make collection, transportation and disposal of the contents as

required; or fails to do so within five (5) days from notification by the Sewage Treatment Officer, the Sewage Treatment Officer shall take one or more of the following steps:

1. Arrange and contract for the collection, transportation and disposal of the contents of said holding tank.

2. Issue a cease and desist order for use of the toilet and sewage facilities which void into the said holding tanks.

3. Request the suspension and/or revocation of the occupancy permit of the buildings or structures said holding tank or tanks service from the appropriate Township official.

(h) Prevent any leakage of the contents of said holding tank into the ground, any watershed or any watercourse. Upon discovery of any leakage by any person or the Sewage Treatment Officer, the owner and/or lessee shall immediately cease using all toilet and sewage facilities voiding into said holding tank until repaired or replaced and within one (1) day, collect, transport and dispose of the contents.

(i) Upon construction of sanitary sewers in the area, the owner shall within thirty (30) days after notice by the Township or the Ohio Township Sanitary Authority, tap-in all sewage facilities servicing the site into the Township's or the Ohio Township Sanitary Authority's sanitary sewer line and pay any and all fees or costs connected with said tap-in. Prior service of the realty by a holding tank shall not be construed to relieve the realty or the owner from

payment of any assessed benefits to the realty benefited by the construction of sanitary sewers.

(j) Upon completion of the tap-in of any holding tank site into the Township's or the Authority's sanitary sewer system or upon the expiration of thirty (30) days from the date of notice, whichever is sooner, said owner and/or lessee shall collect, transport and dispose of the contents of any holding tank, and shall remove the holding tank from the site. In the proper case or circumstance the Sewage Treatment Officer may give written consent to the owner and/or lessee to fill the holding tank with sand in lieu of removal.

SECTION 7. That prior to any installation of any holding tank or issuance of a holding tank permit by the Sewage Treatment Officer the owner, lessee or person making actual installation of the holding tank, shall submit, in writing, to the Sewage Treatment Officer at least two (2) weeks prior to the intended installation, the following data:

(a) The type of holding tank intending to be installed together with the size and capacity of said tank.

(b) The useful life of said tank.

(c) A certification from the manufacturer or other qualified person that said tank shall not leak its content during the useful life of said tank.

(d) The method of installation and the person hired to do said installation. However, upon review of the application by the Sewage Treatment Officer, after consultation with the Engineer

retained by the Authority for this purpose, the Sewage Treatment Officer shall make a determination that the proposed tank, quantity and size, and installation methods are consistent with the rules and regulations of the Authority regulating this matter, the rules and regulations of the Commonwealth of Pennsylvania, the County of Allegheny or any other governmental agencies regulating these matters. If the Sewage Treatment Officer approves the application for installation, upon payment of the required fee, the Sewage Treatment Officer shall issue the holding tank permit.

If the Sewage Treatment Officer disapproves the tank, he shall set forth in writing, the causes and basis for his disapproval.

SECTION 8. Appeals. Any applicant or affected person may, within ten (10) days of a decision of the Sewage Treatment Officer, appeal such decision to the Ohio Township Sanitary Authority for a review. The requested review shall be conducted during a regularly scheduled meeting. The Ohio Township Sanitary Authority may affirm, or reverse or modify, the findings of the Sewage Treatment Officer. Any person adversely effected by a decision of the Ohio Township Sanitary Authority may appeal to a Court of competent jurisdiction within thirty (30) days of the date of the decision. PROVIDED, however, no such appeal from the decision of the Sewage Treatment Officer or from Ohio Township Sanitary Authority shall act as a stay to any decisions rendered by the Sewage Treatment Officer or the Ohio Township Sanitary Authority.

SECTION 9. Interpretation and severability. In applying the provisions of this Ordinance, they shall be interpreted to be the minimum requirements for the promotion of the public health, safety and general welfare. It is not intended to interfere with, abrogate or annul any other Ordinance, rules, regulations, or permits previously adopted or issued, except as amended hereby, or with any other rules or regulations of any other administrative agency having jurisdiction of this matter. Where this Ordinance imposes greater restrictions upon the use of holding tanks, then this Ordinance shall control. It is the intent of Board of Supervisors of the Township of Ohio that the provisions of this Ordinance are severable. Should any section or provisions of this Ordinance or subsequent amendments thereto, be declared by the Courts to be unconstitutional or invalid for any reason, such decision shall not affect the validity of this Ordinance as a whole or the validity of any other section or provision of this Ordinance other than the one so declared to be invalid.

Penalties. Any person violating any of the provisions of this Ordinance or aiding, abetting or assisting the violation thereof, shall, upon conviction thereof by summary of judgment, be sentenced to pay a fine of not more than THREE HUNDRED (\$300.00) DOLLARS and costs of prosecution of each offense and in default of the payment of such fine and costs of prosecution, shall be liable for imprisonment in the Allegheny County Jail for a period not exceeding thirty (30) days. Each day that a violation is permitted

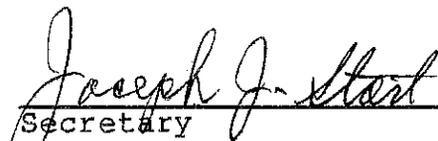
to exist after notification in writing of such violation, shall constitute a separate offense.

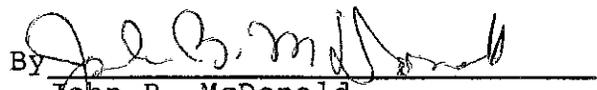
SECTION 10. In addition to any other remedies provided in this Ordinance, any violation of this Ordinance shall constitute a nuisance and may be abated by either seeking appropriate equitable legal relief from a Court of competent jurisdiction, or, when the Sewage Treatment Officer, as authorized by this Ordinance, is required to take affirmative steps to correct the condition by hiring contractors for the collection, transportation and disposal of the content of said holding tank or the removal of said holding tank, the costs incurred shall be imposed on the owner of the property and the Solicitor of the Ohio Township Sanitary Authority is hereby authorized to lien said property for recovery of costs and/or file action to recover said costs from the bonding company of said owner or lessee. In addition, the Solicitor is hereby authorized to file Civil suit in a court of competent jurisdiction to recover the costs by Civil suit.

ORDAINED and ENACTED this 21st day of October A.D., 1985, by Board of Supervisors of the Township of Ohio in lawful session duly assembled.

ATTEST:

BOARD OF SUPERVISORS  
TOWNSHIP OF OHIO

  
Secretary

By   
John B. McDonald  
Chairman