

## Chapter 58

### HOLDING TANKS

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[HISTORY: Adopted by the Borough Council of the Borough of Pennsburg 10-6-1980 by Ord. No. 4-80. Amendments noted where applicable.]

#### GENERAL REFERENCES

Sewer Authority — See Ch. 24.

Plumbing — See Ch. 75.

Drainageways and watercourses — See Ch. 39.

Sewers — See Ch. 86.

#### § 58-1. Purpose.

The purpose of this chapter is to establish procedures for the use and maintenance of holding tanks designed to receive and retain sewage, whether from industrial or commercial uses, and it is hereby declared that the enactment of this chapter is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this borough.

#### § 58-2. Definitions.

Unless the context specifically and clearly indicates otherwise, the meanings of terms used in this chapter shall be as follows:

**BOROUGH** — Pennsburg Borough, Montgomery County, Pennsylvania.

**HOLDING TANK** — A watertight 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:

- A. **CHEMICAL TOILET** — A toilet using chemicals that discharge to a holding tank.
- B. **RETENTION TANK** — A holding tank where sewage is conveyed to it by a water-carrying system.
- C. **VAULT PIT PRIVY** — A holding tank designed to receive sewage where water under pressure is not available.

**IMPROVED PROPERTY** — Any property within the borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

**OWNER** — Any person vested with ownership, legal or equitable, sole or partial, of any property located in the borough.

**PERSON** — Any individual, partnership, company, association, corporation or other group or entity.

**SEWAGE** — 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.

**§ 58-3. Scope.**

Holding tanks shall, subject to approval by the Pennsylvania Department of Environmental Resources, be permitted only for commercial or industrial purposes.

**§ 58-4. Supervision of collection and disposal of wastes.**

The Council is hereby authorized and empowered to undertake within the borough the control and methods of holding-tank sewage disposal and the collection and transportation thereof.

**§ 58-5. Promulgation of additional rules and regulations.**

The Council is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary, from time to time, to effect the purposes herein.

**§ 58-6. Rules and regulations to conform to applicable laws.**

All such rules and regulations adopted by the Council shall be in conformity with the provisions herein, all other ordinances of the borough and all applicable laws and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

**§ 58-7. Inspections.**

The Council shall have the right and power to establish the time and manner of inspection of the holding tanks. Such inspections shall be made not less than one time per year.

**§ 58-8. Charges.**

The Council shall have the right and power to fix, charge and collect charges for the inspection of holding tanks.

**§ 58-9. Collection, transportation and disposal of wastes.**

The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done under the direction and control of the Council, 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.

**§ 58-10. Responsibilities of owner of improved property utilizing a holding tank.**

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

- A. Maintain the holding tank in conformance with this chapter or any ordinance of this borough, the provision of any applicable law and the rules and regulations of the borough and any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit only those approved by the Council to collect, transport and dispose of the contents therein.

**§ 58-11. Violations and penalties.**

Any person who violates any provisions of § 58-10 shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than \$100 and not more than \$300 and costs and, in default of said fine and costs, to undergo imprisonment in the Montgomery County Prison for a period not in excess of five days.

**§ 58-12. Abatement of nuisances.**

In addition to any other remedies provided in this chapter, any violation of § 58-10 above shall constitute a nuisance and may be abated by the municipality or the Authority by either seeking appropriate equitable or legal relief from a court of competent jurisdiction.