

## CHAPTER 51: HOLDING TANKS; USE AND MAINTENANCE

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### *Statutory reference:*

*Sewage Facilities Act, see 35 P.S. §§ 750.1 et seq.*

### § 51.01 PURPOSE.

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

(Ord. 129, passed 5-10-2000)

### § 51.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AUTHORITY.** The Borough Council of New Alexandria Borough, Westmoreland County, Pennsylvania.

**HOLDING TANK.** An approved water-tight receptacle, whether permanent or temporary, which receives and retains sewage conveyed by a water-carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.

**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.

**MUNICIPALITY.** The Borough of New Alexandria, Westmoreland County, Pennsylvania.

**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.

(Ord. 129, passed 5-10-2000)

#### **§ 51.03 RIGHTS AND PRIVILEGES GRANTED.**

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

(Ord. 129, passed 5-10-2000)

#### **§ 51.04 RULES AND REGULATIONS.**

The Authority 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.

(Ord. 129, passed 5-10-2000)

#### **§ 51.05 CONFORMITY WITH APPLICABLE LAW.**

All such rules and regulations adopted by the Authority 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.

(Ord. 129, passed 5-10-2000)

**§ 51.06 RATES AND CHARGES.**

The Authority shall have the right and power to fix, alter, charge and collect rates, assessments and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law.

(Ord. 129, passed 5-10-2000)

**§ 51.07 EXCLUSIVENESS OF RIGHTS AND PRIVILEGES.**

(A) The collection and transfer of all sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the Authority, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Protection of the commonwealth.

(B) The Authority will receive, review and retain pumping receipts from permitted holding tanks.

(C) The Authority will complete and retain annual inspection reports for each permitted tank.  
(Ord. 129, passed 5-10-2000)

**§ 51.08 DUTIES OF IMPROVED PROPERTY OWNER.**

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

(A) Maintain the holding tank in conformance with this or any other ordinance of this borough, the provisions of any applicable law, and the rules and regulations of the Authority and any administrative agency of the commonwealth;

(B) Permit only the Authority or its agents to inspect holding tanks on an annual basis; and

(C) Permit only the Authority or its agents to collect, transport and dispose of the contents therein.  
(Ord. 129, passed 5-10-2000)

**§ 51.09 ABATEMENT OF NUISANCES.**

In addition to any other remedies provided in this chapter, any violation of § 51.08 shall constitute a nuisance, and shall be abated by the municipality or the Authority by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

(Ord. 129, passed 5-10-2000) Penalty, see § 51.99

**§ 51.99 PENALTY.**

Any person who violates any provisions of § 51.08 shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than \$500, nor more than \$5,000, plus costs, and in default of said fine and costs, to undergo imprisonment in the county prison for a period not to exceed 90 days, or both.

(Ord. 129, passed 5-10-2000)