

ORDINANCE #22

ORDINANCE NO. _____ BEING AN ORDINANCE DEFINING CERTAIN WORDS, MAKING IT UNLAWFUL TO INSTALL, USE OR MAINTAIN A HOLDING TANK FOR SEWAGE WASTES WITHOUT A PERMIT, ESTABLISHING PERMIT FEES AND THE METHOD OF APPLICATION FOR A PERMIT, AND THE PREREQUISITES FOR OBTAINING SUCH A PERMIT AND LIMITING THE LIFE OF THE PERMIT, ESTABLISHING CERTAIN STANDARDS OF CONSTRUCTION AND CAPACITY FOR HOLDING TANKS, REQUIRING LIGHT OR SOUND WARNING DEVICES WHICH ARE ACTIVATED ACCORDING TO THE LEVEL OF SEWAGE, FORBIDDING THE FILLING OF HOLDING TANKS BEYOND 7/8 OF CAPACITY, PROVIDING FOR VIOLATIONS AND PENALTIES AND FOR SUSPENSION OF PERMITS AND PROVIDING FOR SEVERABILITY

BE IT ORDAINED AND ENACTED by the authority of the Board of Supervisors of Milford Township, and the same is hereby ordained and enacted as follows:

SECTION 1. Definitions. The following words, when used in this Ordinance, shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning.

The word "person" shall include any individual, partnership, limited partnership, or corporation.

The word "holding Tank" shall mean a tank or container which receives and stores sewage for ultimate disposal at another location by hauling.

SECTION 2. It shall be unlawful for any person to install, use or maintain, within the limits of the Township, a holding tank for sewage wastes without first having obtained a permit therefor from the Township Secretary. Application for a permit for the installation and use or maintenance of a holding tank shall be made in writing to the Secretary of the Board of Supervisors and shall be accompanied by a filing fee of \$25.00 and by the following:

(1) A copy of the Department of Health permit for the installation and use of the proposed holding tank.

(2) The proposed schedule for pumping and emptying the said holding tank.

(3) A signed contract with a properly licensed sewage hauler by which the latter agrees to pump and remove the contents of the tank in accordance with the proposed schedule, during the life of the permit issued hereunder.

(4) A signed contract between the applicant, or the licensed sewage hauler and a municipality, Authority or other agency owning a facility into which sewage may be discharged, permitting the disposal of the wastes removed from the proposed holding tank into a sewage treatment plant approved by the Pennsylvania Department of Environmental Resources and in accordance with the proposed pumping schedule during the life of the permit issued hereunder.

(5) Information as follows:

(a) As to residential dwellings, the number of persons who will occupy the premises.

(b) As to commercial or industrial uses which do not involve the emission of sewage from the commercial or industrial use itself, the total number of persons who will occupy the premises, either as employee or otherwise, the number of working shifts, and the number of persons who will occupy the premises, either as employee or otherwise, during each work shift.

(c) As to commercial or industrial uses involving the emission of sewage from the commercial or industrial use itself, in addition to the information required in (b) above, an estimate of the daily or weekly sewage flow which is reasonably to be anticipated and all data on which the estimate is based.

(6) A bond payable to the Township of Milford and in the amount of One Thousand (\$1,000.00) Dollars, and conditioned upon the applicant's installation, maintenance and use of the holding tank in accordance with the terms of this ordinance, and further conditioned upon the applicant's pumping and removing the accumulated sewage frequently enough so that the level of content never exceeds $\frac{7}{8}$ of the capacity. Immediately upon the breach of any of the conditions thereof, the bond shall be immediately payable to the Township of Milford.

SECTION 3. A permit issued under the terms of this Ordinance shall be valid for one year from the time of its issuance but may be renewed annually upon application made in the same manner as an original application is made.

SECTION 4. No holding tank shall be permitted to be installed, maintained or used unless it is constructed of a durable material, is watertight and unless it has a capacity of at least 1500 gallons or the capacity to hold the sewage which could reasonably be expected to flow into it over a period of seven days, whichever capacity is greatest. The amount of sewage which can reasonably be expected to flow within the meaning of this section shall be one hundred gallons per day per person who occupies the premises, in the case of a residential dwelling. In the case of a commercial or industrial use of the premises where sewage is not emitted in the industrial or commercial use or operation, the said flow shall mean one hundred gallons per day per person occupying the premises during the daily work shift in which the most persons occupy the premises, either as employee or otherwise. In the case of a commercial or industrial use of the premises where sewage is emitted in the commercial use or operation itself, the said flow for the first year of use shall be the amount listed as such on the initial permit application. Thereafter, it shall be determined by the average amount of sewage removed from the holding tank in the previous six months' period.

SECTION 5. No holding tank shall be used or maintained unless it has a light or sound warning device so located that its warning signal will be sensed and responded to at any time of the day or night, by the person charged with the responsibility of keeping the holding tank properly emptied. This warning device must be such that the warning signal will be emitted immediately upon the level of content in the tank reaching the $\frac{3}{4}$ capacity level and a second warning signal will be emitted if and when the level of content has reached the $\frac{7}{8}$ capacity level.

SECTION 6. When a holding tank has been filled to the $\frac{3}{4}$ capacity level, arrangements shall immediately be made to have it emptied, but in no event shall a holding tank be permitted to fill to a higher level than $\frac{7}{8}$ of capacity.

SECTION 7. Any person who violates any provision of this Ordinance or permits the violation of a provision hereof, or who allows to be maintained on premises owned by him, a holding tank

which violates the provisions of this Ordinance, or who permits a holding tank to overflow or to fill to a level greater than 7/8 capacity or who makes any material misrepresentation in an application for a holding tank permit or a renewal thereof, shall be guilty of a violation of this Ordinance and upon conviction thereof shall be sentenced to pay a fine therefor not to exceed \$300.00 for each violation and in default of such fine, shall be sentenced and committed to the Bucks County Jail for a period not to exceed 30 days. Each day of violation shall be a separate violation of this Ordinance.

SECTION 8. In the event that any violation occurs, the permit issued hereunder shall immediately become suspended and shall not be reinstated until the Secretary of the Township has been provided satisfactory evidence that the violation will not reoccur.

SECTION 9. The provisions of this Ordinance are severable. If any sentence, clause or section hereof 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 or sections hereof. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted had some unconstitutional, illegal or invalid sentence, clause or section not have been included herein.

This Ordinance shall become effective September 10, 1973.

Enacted and ordained this 4th day of September A.D., 1973 by the corporate authorities of the Township of Milford.

TOWNSHIP OF MILFORD
Melvin M Bauman, Chairman

Attest:
Milton Repa, Secretary