

Chapter 18

Sewers and Sewage Disposal

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Part 1**On-Lot Sewage Disposal Systems****§18-101. Short Title, Statutory Basis, Purpose.**

1. This Part shall be known as the “Thornhurst Township On-Lot Sewage Disposal System Permit Ordinance.”

2. This Part is adopted pursuant to §7(a)(1) of the Pennsylvania Sewage Facilities Act, as amended, 35 P.S. §750.7(a)(1).

3. The purpose of this Part is to provide for the permitting of all on-lot sewage disposal systems within the Township in accordance with the standards and regulations of 25 Pa.Code, Chapters 72 and 73, including those systems otherwise eligible for an exemption from the permitting requirements of the Act, as authorized by §7(a)(1) of the Act, 35 P.S. §750.7(a)(1).

(*Ord. 31, 12/11/1997, §I*)

§18-102. Permit Requirement.

1. From and after the effective date of this Part, all persons proposing to install an on-lot sewage disposal system on any lot within the Township, including those persons proposing to install such a system on a lot 10 acres or larger and who are otherwise qualified for a permit exemption in accordance with the provisions of §7(a)(1) of the Act, 35 P.S. §750.7(a)(1), shall apply to the Township for a permit for the installation of such system.

2. No person shall install or commence construction of any on-lot sewage disposal system for which a permit is required until such permit has been issued by a Sewage Enforcement Officer employed by or contracted to the Township.

3. Any on-lot sewage disposal system installed under permit issued under this Part shall be designed, installed and maintained in accordance with all applicable law, statutes, rules and regulations, including, but not limited to, the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, rules and regulations of the Pennsylvania Department of Environment Protection, 25 Pa.Code, Chapters 72 and 73, and as may be amended. [*Ord. 41*]

(*Ord. 31, 12/11/1997, §II; as amended by Ord. 41, 11/10/2011*)

§18-103. Enforcement.

1. Any person violating any of the provisions of this Part shall be subject to the civil and criminal penalties authorized pursuant to §§13 and 13.1 of the Act, 53 P.S. §§750.13, 750.13.1, as amended. (Note: the penalties are not specified here because of the delayed effective date of the penalty provisions of the 1994 amendments to the Act. Those provisions become effective December 15, 1995. Thus, the incorporation by reference).

2. In addition to the penalties for noncompliance set forth in subsection .1 above, it is further provided that all of the civil and equitable remedies set forth in §§12, 14 and 15 of the Act, 35 P.S §§750.12, 750.14 and 750.15, as amended, shall be applicable

to violations of this Part.
(*Ord. 31, 12/11/1997, §III*)

Part 2**Holding Tanks****§18-201. Purposes.**

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

(Ord. 9, 2/3/1976, §1)

§18-202. Definitions.

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

Authority—the Board of Supervisors of the Township, or their duly appointed officers and representatives.

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:

- (1) *Chemical toilet*—a toilet using chemicals that discharge to a holding tank.
- (2) *Retention tank*—a holding tank where sewage is conveyed to it by a water currying system.
- (3) *Vault pit privy*—a holding tank designed to receive sewage where water under pressure is not available.

Improved property—any property within the Township 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 Township.

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 it 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.

Township—the Township, Lackawanna County, Pennsylvania.

(Ord. 9, 2/3/1976, §2)

§18-203. Rights and Privileges Granted.

1. The Authority 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.

2. Any holding tank installed under permit issued under this Part shall be designed, installed and maintained in accordance with all applicable law, statutes, rules and regulations, including, but not limited to, the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, rules and regulations of the Pennsylvania Department of Environment Protection, 25 Pa.Code §73.61 *et seq.*, and as may be amended. [Ord. 41] (Ord. 9, 2/3/1976, §3; as amended by Ord. 41, 11/10/2011)

§18-204. Rules and Regulations.

The Authority is hereby authorized and empowered by resolution, to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein including a limitation on approval to a period of 1 year, and to improved property where installation of permanent facilities will be available within that period.

(Ord. 9, 2/3/1976, §4)

§18-205. Rules and Regulations to Be in Conformity with Applicable Law.

All such rules and regulations adopted by the Authority shall be in conformity with the provisions of this Part, all other ordinances of the Township, and all applicable laws, rules and regulations of the Commonwealth of Pennsylvania and its administrative agencies.

(Ord. 9, 2/3/1976, §5)

§18-206. 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. All rates, assessments and charges shall, be paid within 30 days from the date billed to the owner, and if unpaid after such period shall be collectible by the Township in the same manner as other municipal rates, assessments and charges, with interest at 6 percent per annum from the billing date.

(Ord. 9, 2/3/1976, §6)

§18-207. Exclusiveness of Rights and Privileges.

The collection and transportation 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 of Pennsylvania.

(Ord. 9, 2/3/1976, §7; as amended by Ord. 41, 11/10/2011)

§18-208. Duties of Improved Property Owner.

The owner of an improved property that utilizes a holding tank 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 Authority and any administrative agency of the Commonwealth of Pennsylvania.

B. Permit only the Authority or anyone acting under the direction of the Authority to collect, transport and dispose of the contents therein.

(*Ord. 9, 2/3/1976, §8*)

§18-209. Violations.

Any person who violates any provisions of §18-208, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 9, 2/3/1976, §9; as amended by Ord. 41, 11/10/2011*)

§18-210. Abatement of Nuisances.

In addition to any other remedies provided in this Part, any violation of §18-208 above shall constitute a nuisance which may be abated by the Authority in appropriate proceedings in the Court of Common Pleas of Lackawanna County.

(*Ord. 9, 2/3/1976, §10*)

