

Chapter 18

Sewers and Sewage Disposal

Part 1 Holding Tanks

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Appendix 18-1-A Ivyland Borough Holding Tank Rules and Regulations

Part 1**Holding Tanks****§18-101. Purpose.**

The purpose of this Part is to establish procedures for the use and maintenance of holding tanks designed to receive and retain sewage from commercial, residential and industrial uses where connection to sanitary sewers is imminent, 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 residents of Ivyland Borough.

(Ord. 1986-3, 9/30/1986, §1)

§18-102. Definitions.

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

Commercial use—retail stores designed primarily to provide daily service to residents of the surrounding area; personal service shop such as beautician or clothes cleaning and pressing; retail service shop such as a bakery, ice cream, grocery or similar shop, custom tailoring or millinery shop, clock, watch or jewelry shop, or household appliance repair shop; offices and studios; and banks or similar financial institutions.

Industrial use—a use permitted within the industrial zoning districts in the Borough.

Residential use—an approved residential unit with a sanitary sewer lateral constructed and in place for use as soon as sanitary sewers are available.

(Ord. 1986-3, 9/30/1986, §2)

§18-103. Administration Authority.

The Borough Council members and their duly authorized agents are authorized and empowered to undertake within the Borough the control and methods of holding tank sewage disposal for commercial, residential and industrial use and the collection and transportation thereof.

(Ord. 1986-3, 9/30/1986, §3)

§18-104. Adoption of Rules and Regulations.

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

(Ord. 1986-3, 9/30/1986, §4)

§18-105. Collection and Transportation.

The collection and transportation of all sewage from any commercial, residential or industrial use utilizing a holding tank shall be performed under the direction and control of the Borough and the disposal thereof shall be only at such site or sites as may

be approved by the Bucks County Department of Health.

(*Ord. 1986-3, 9/30/1986, §5*)

§18-106. Pre-installation Procedure.

Before a holding tank may be installed to service a commercial, residential or industrial use, the property owner shall;

A. Obtain a permit for the holding tank from the Bucks County Department of Health.

B. File a copy of the Bucks County Department of Health permit, application and sketch with the Borough Secretary.

C. File with the Borough Secretary a copy of a written agreement between the property owner and a contractor covering the periodic cleaning of the tank.

D. Deposit and/or post the sum of money or security, in the form and/or amount as provided by the rules and regulations promulgated for this Part. These funds are to be held by the Borough and used only in the event the Borough is required to perform any services or pay for any services, relative to the holding tank.

E. Execute an agreement to hold the Borough harmless in the event of a claim against the Borough arising from the operation of the holding tank.

(*Ord. 1986-3, 9/30/1986, §6*)

§18-107. Duties of Property Owners.

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

A. Maintain the holding tank in conformity with this Part or any ordinance of this Borough, the provisions of any applicable law and the rules and regulations of the Borough and any administrative agency of the Commonwealth of Pennsylvania.

B. Permit only persons authorized by the Borough to collect, transport and dispose of the contents therein.

C. Be responsible for the periodic cleaning or emptying of the holding tank as well as the cost thereof.

(*Ord. 1986-3, 9/30/1986, §7*)

§18-108. Applicability.

Any obligation or duty assumed by the Borough under this Part shall be limited to holding tanks installed and used after the effective date hereof.

(*Ord. 1986-3, 9/30/1986, §8*)

§18-109. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 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. 1986-3, 9/30/1986, §9; as amended by Ord. 2011-3, 11/9/2011*)

§18-110. Abatement of Nuisances.

In addition to any other remedies provided in this Part any violation of this Part shall constitute a nuisance and may be abated by the Borough by either seeking appropriate equitable or legal relief from a court of competent jurisdiction.

(*Ord. 1986-3, 9/30/1986, §10*)

Appendix 18-1-A**Ivyland Borough Holding Tank
Rules and Regulations****§1. Permit Processing.** Permit processing shall be as follows:

A. Reviewing agencies:

1. Pennsylvania Department of Environmental Protection. [*Ord. 2011-3*]
2. Bucks County Board of Health
3. Bucks County Planning Commission.
4. Ivyland Borough Planning Commission.
5. Ivyland Borough Engineer.
6. Ivyland Borough Zoning Officer.

B. Review and report of various agencies.

1. The above agencies shall review the proposed installation plan to determine compatibility with the intent and requirements of the following documents:

- a. Comprehensive plan.
- b. Subdivision and land development regulations.
- c. Zoning Ordinance [Chapter 27].
- d. Holding Tank Ordinance [Part 1].
- e. Official sewer plan.
- f. Building and plumbing codes.

2. These agencies and officials shall report their findings and recommendations to the Borough Council.

§2. Installation Regulations.

A. All holding tanks installed within Ivyland Borough shall be subject to written agreement between the authorized officials of Ivyland Borough and the property owner.

B. This agreement shall determine the conditions of the holding tank installation, including the following items:

1. Location of tank.
2. Size of tank.
3. Type of tank.
4. Alarm hookup to tank.
5. Fencing type and size, if any.
6. Connection to building.
7. Connection to public sewer.
8. Method of disconnection and disposal; removal of tank.
9. Amount of escrow required.

§3. Escrows and Fees.

A. Escrows are to be determined by Borough Council within the written agreement subject to minimum fees set forth in the fee resolution as adopted by Borough Council from time to time.

B. All escrows shall be established with Ivyland Borough by way of cash or certified check or irrevocable letter of credit or bond with surety to be held by Ivyland Borough. This escrow may be used by Ivyland Borough, when necessary, should an emergency situation call for the expenditure of public funds to alleviate such emergency.

C. In the event the escrow funds are used by Ivyland Borough (as per paragraph .B, above), the owner of the holding tank shall reimburse the escrow fund for all funds spent plus 20 percent of the expended funds which shall be retained by Ivyland Borough to cover the administration expenses incurred. Failure to reimburse the escrow fund within 45 days of written notice from Ivyland Borough shall be considered a violation of this Part and cause the forfeit of the holding tank permit at the Borough's option. Upon the complete removal of the holding tank, Ivyland Borough shall return to the owner, all escrow funds then held by the Borough.

D. A permit fee shall be required in addition to the application fee, review fee and escrow fee, which shall be for the purpose of reimbursement to Ivyland Borough for the expenses incurred as a result of plumbing inspections required by the installation of said tank. The permit fee shall be in an amount equal to 10 percent of the established escrow fee.

§4. Issuance of Permit.

No permit shall be issued by Ivyland Borough until such time as the following requirements have been met:

- A. The application fee has been paid.
- B. The review fee has been paid, including any additional expenses.
- C. Written agreement has been approved by the Borough Council and executed by both parties.
- D. Escrows have been paid.
- E. Permit from Bucks County Board of Health and the Department of Environmental Resources, if required, has been forwarded to Ivyland Borough.
- F. Permit fee has been paid.

§5. Tank Installation.

A. The applicant shall give no less than 3 days notice to Ivyland Borough prior to commencing installation.

B. All tank installations are to conform to the requirements of this Part. Ivyland Borough reserves the right to suspend installation at any time by way of verbal and/or written notification should the tank installation at any time be in violation of this Part, state, county or local regulations, including the building code, plumbing code, and the holding tank agreement.

C. No construction may begin or restart until such time approval is given by the

Ivyland Borough Building Official.

§6. Holding Tank Removal or Disposal.

All removal and disposal of the holding tank shall be in compliance with the written agreement and shall require notice to Ivyland Borough no less than 15 days prior to the start of removal or disposal.

§7. Responsibility of Maintenance for Tank.

The owner of each holding tank shall agree to maintain and be responsible for the holding tank subject to the terms and conditions stated in the previous sections, until such time as a new agreement and escrow has been established between the next property owner and Ivyland Borough.

(Ord. 1986-3, 9/30/1986, App.; as amended by Ord. 2011-3, 11/9/2011)

