

REED TOWNSHIP, DAUPHIN COUNTY

HOLDING TANK ORDINANCE

No. 2002-1

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Reed Township, Dauphin County, Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1 - Purpose

The purpose of this ordinance 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 or industrial uses. It is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the residents of Reed Township.

Section 2 - Definitions

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

A. HOLDING TANK shall mean a watertight 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 to an approved site.

B. IMPROVED PROPERTY shall mean 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.

C. OWNER shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

D. PERMIT shall mean a written approval as issued by the Sewage Enforcement Officer

of the Township authorizing utilization of a holding tank.

E. PERSON shall mean any individual, partnership, company, association, corporation or any other group or entity.

F. SEWAGE shall mean any substance that contains any of the waste products or excrement or other discharge from 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, or any substance which constitutes pollution under the Clean Stream Law (35 P.S. §691.1-691.100).

G. SEWAGE ENFORCEMENT OFFICER - the person appointed by the Board of Supervisors to administer the Sewage Facilities Act and regulations and/or Ordinance adopted thereto.

H. TOWNSHIP - Reed Township, Dauphin County, Pennsylvania.

Section 3 - Rights and Privileges Granted

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

Section 4 - Rules and Regulations

The Township 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.

Section 5 - Rules and Regulations to be in Conformity with Applicable Law

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

Section 6 - Rate and Charges

The Township 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.

Section 7 - Exclusiveness of Rights and Privileges

- A. 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 Township, and the disposal thereof shall be made only at such sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.
- B. The Township will receive, review and retain pumping receipts from permitted holding tanks. Pumping receipts shall be submitted to the Township on the first day of January, April, July and November for all pumping performed in the three month period immediately preceding the submittal date.
- C. The Township will complete and retain annual inspection reports for each permitted tank. Inspection fees as adopted by resolution of the Township shall be paid by the owner.

Section 8 - Duties of Improved Property Owner

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

- A. Prior to issuance of the holding tank permit, enter into an agreement with a licensed hauler approved by the Township, evidencing the hauler's agreement to collect, transport and dispose of the contents of the holding tank at a licensed permanent dumping site.
- B. Obtain a permit from the Sewage Enforcement Officer for permission to install a holding tank. Prior to and as a condition of issuance of the permit, the property owner

shall pay the applicable permit fee and shall pay an additional sum as prescribed by resolution as security for the compliance by the property owner with the provisions of this Ordinance.

C. Maintain the holding tank in conformance with this or any Ordinance of the Township, the provisions of any applicable law and the rules and regulations of the Township and any administrative agency of the Commonwealth of Pennsylvania.

D. Permit only the Township or its agent to inspect the holding tank on an annual basis.

E. Permit only the Township or a licensed hauler approved by the Township to collect, transport and dispose of the contents therein.

F. Pay within ten (10) days any charge, rate or assessment which is fixed by the Township.

G. Fill or remove any holding tank which has remained unused for a period of four (4) consecutive years, filling said holding tank with dirt or similar material, or fill or remove any holding tank with (30) days after connection to another approved system.

Section 9 - Abatement of Nuisances

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

Section 10 - Use of Alternate Sewage System

No permit for the use of a holding tank shall be issued, whether pursuant to this Ordinance, any rules or regulations adopted herein, or otherwise, unless all other possible means of collecting and disposing of sewage at the property in question have been considered and found

to be unusable.

Section 11 - Violations

Any person who violates any provision of Section 8 of this Ordinance shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than \$500.00 and not more than \$5,000.00 and in default of said fine and costs to undergo imprisonment in the county prison for a period not in excess of ninety (90) days.

Section 12 - Severability

If any sentence, clause, section or part of this Ordinance 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, sections or parts of this Ordinance. It is hereby declared as the intent of the Reed Township Supervisors that this Ordinance would have been adopted had such constitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

Section 13 - Effective Date

This Ordinance shall become effective five (5) days after its adoption.

Board of Supervisors of
Reed Township, Dauphin County

Keith H. Haring

Dale G. Schock

John Alb

Margaret Salkey
Reed Township Secretary

Attest:

October 1, 2002