

JEFFERSON TOWNSHIP
DAUPHIN COUNTY, PENNSYLVANIA

ORDINANCE NO. J- 125-2011

HOLDING TANK ORDINANCE

AN ORDINANCE ESTABLISHING PROCEDURES FOR THE USE AND MAINTENANCE OF EXISTING AND NEW HOLDING TANKS DESIGNED TO RECEIVE AND RETAIN SEWAGE WHETHER FROM RESIDENTIAL OR COMMERCIAL USES.

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

Section 1. Purposes. 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 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 inhabitants of this municipality.

Section 2. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- A. **Agency** shall mean the Board of Supervisors of Jefferson Township, Dauphin County, Pennsylvania.
- B. **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 at another site.
- D. **Owner** shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.
- E. **Person** shall mean any individual, partnership, company, association, corporation or other group or entity.
- F. **Sewage** shall mean 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 or any substance which constitutes pollution under the Clean Streams Law (35 PS §§691.1- 691.1001).
- G. **Municipality** shall mean Jefferson Township, Dauphin County, Pennsylvania.

Section 3. Right and privileges granted. The Agency 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. That the Agency 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 Agency 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. Rates and Charges. The Agency shall have the right and power to create, 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 property utilizing a holding tank shall be done solely by a hauler licensed by the Commonwealth of Pennsylvania for such purposes, 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. Upon request by the Agency, the Owner must provide proof that sewage collection and transportation has been done according to these requirements.
- B. The Agency will receive, review and retain pumping receipts from permitted holding tanks.
- C. The Agency will complete and retain annual inspection reports for each permitted holding tank.

Section 8. 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 Agency and any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit the Agency or its agent to inspect holding tanks on an annual basis.
- C. Permit the Agency or its agent to collect, transport, and dispose of the contents therein.

Section 9. Violations. Any person who violates any provisions of Section 8, shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than Five-hundred (\$500.00) dollars and not more than Five Thousand (\$5,000.00) dollars and no cents, and in default of said fine and costs of undergo imprisonment in the county prison for a period not in excess of 90 days.

Section 10. Abatement of Nuisances. In addition to any other remedies provided in this ordinance, any violation of Section 8 above shall constitute a nuisance and shall be abated by the municipality or the Agency by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

Section 11. Repeal. All ordinances or resolutions or parts of ordinances or resolutions, insofar as they are inconsistent herewith, be and the same are hereby repealed.

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 (appropriate formal title of the legislative body of the municipality) (Board of Supervisors of the Township) that this ordinance would have been adopted has 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.

