

ORDINANCE NO. 94-1

AN ORDINANCE OF THE TOWNSHIP OF UNION, UNION COUNTY, PENNSYLVANIA, ESTABLISHING PROCEDURES FOR THE USE AND MAINTENANCE OF EXISTING AND NEW HOLDING TANKS, AND THE COLLECTION AND TRANSPORTATION OF ALL SEWAGE FROM ANY IMPROVED PROPERTY UTILIZING A HOLDING TANK.

Be it enacted and ordained by the Board of Supervisors of the Township of Union, Union County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same 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 the Township.

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

1. "Board of Supervisors" shall mean the Board of Supervisors of Union Township, Union County, Pennsylvania.
2. "Holding Tank" means 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.
3. "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.
4. "Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.
5. "Person" shall mean any individual, partnership, company, association, corporation, or other group or entity.

6. "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, to animal or aquatic life, to the use of water for domestic water supply, or for recreation.

7. "Township" shall mean the Township of Union, Union County, Pennsylvania.

Section 3. Right and Privileges Granted. The Board of Supervisors 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 Board of Supervisors 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 Board of Supervisors shall be in conformity with the provisions herein, all other Ordinances of the Township, all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

Section 6. Rates and Charges. The Board of Supervisors shall have the right and power to fix, alter, charge and collect reasonable and uniform rates, assessments, and other charges for the services performed by its facilities, for the services provided hereunder and in order to effect the purposes herein as authorized by applicable law.

Section 7. Exclusiveness of Rights and Privileges.

1. No person shall commence the construction or alteration of a holding tank without first complying with the application and inspection requirements for the approval of individual sewage disposal systems as provided by this or any other Ordinance of the Township, the provisions of any applicable law, and the rules and regulations of the Board of Supervisors and any administrative agency of the Commonwealth of Pennsylvania.

2. 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 Board of Supervisors, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Resources of the Commonwealth of Pennsylvania.

3. The construction and design of holding tanks shall conform to the minimum requirements established by the Department of Environmental Resources of the Commonwealth of Pennsylvania or to such more stringent requirements as may be established from time to time by the Board of Supervisors.

Section 8. Duties of Improved Property Owner. The owner of an improved property that utilizes a holding tank shall:

1. maintain the holding tank in conformance with this or any other Ordinance of the Township, the provisions of any applicable law, and the rules and regulations of the Board of Supervisors and any administrative agency of the Commonwealth of Pennsylvania;

2. permit only the Board of Supervisors or its agent to inspect holding tanks on an annual basis; and

3. permit only the Board of Supervisors or its agent to collect, transport, and dispose of the contents therein.

Section 9. Duties of Board of Supervisors. The Board of Supervisors will:

1. receive, review and retain pumping receipts from permitted holding tanks; and

2. complete and retain annual inspection reports for each permitted holding tank.

Section 10. Violations. Any person who fails to comply with the requirements of Sections 7 and 8 of this Ordinance or violates any provision thereof shall, upon conviction thereof in a summary proceeding before a District Justice, be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars nor more than Six Hundred (\$600.00) Dollars, plus costs of prosecution,

and in default of payment of such fine and costs, be imprisoned for a period not in excess of ninety (90) days.

Section 11. Abatement of Nuisances. In addition to any other remedies provided in this Ordinance, any violation of Sections 7 and 8 of this Ordinance shall constitute a nuisance and shall be abated by the Township or the Board of Supervisors by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

Section 12. Repeal. All Ordinances, resolutions, or parts of Ordinances or resolutions inconsistent herewith be and the same are hereby repealed.

Section 13. Severability. If any provision, sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, unenforceable or invalid, such unconstitutionality, illegality, unenforceability 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 Board of Supervisors that this Ordinance would still have been enacted had such unconstitutional, illegal, unenforceable or invalid provision, sentence, clause, section or part thereof not been included therein.

Section 14. Effective Date. This Ordinance shall become effective five (5) days after its enactment.

ENACTED AND ORDAINED as an Ordinance of the Township of Union, Union County, Pennsylvania, this 6th day of December, 1994.

ATTEST:

Shirley L. Doyle
Shirley L. Doyle, Secretary

(SEAL)

TOWNSHIP OF UNION
BOARD OF SUPERVISORS

R. Nelson Poe
R. Nelson Poe, Chairman

Thomas S. Reitz
Thomas S. Reitz, Supervisor

K. Palmer Felme
K. Palmer Felme, Supervisor