

ORDINANCE NO. 90-A-1

HOLDING TANK ORDINANCE

BE IT ENACTED AND ORDAINED by the Supervisors of Somerset Township, Somerset 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 and 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 the terms used in this Ordinance shall be as follows:

A. "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.

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. "Person" shall mean any individual, partnership, company, association, corporation or other group or entity.

E. "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.

F. "Municipality" shall mean Somerset Township, Somerset County, Pennsylvania.

Section 3. Right and privileges granted. That the Supervisors are 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 Supervisors are hereby authorized and empowered to adopt such rules and regulations concerning sewage which they 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 reules and regulations adopted by the Supervisors 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 Supervisors 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 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.
- B. The Supervisors will receive, review and retain pumping receipts from permitted holding tanks.
- C. The Supervisors will complete and retain annual inspection reports for each permitted 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 Supervisors and any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit only the Supervisors or their agents to inspect holding tanks on an annual basis.
- C. Permit only the Supervisors or their agents to collect, transport, and dispose of the contents therein.

Section 9. Written Agreements Required. The owner of an improved property shall at the time of the issuance of a holding tank permit enter into an agreement with the municipality which shall include:

- A. A statement of maintenance of the tank, including pumping which shall take place on a regular basis.
- B. Present a contract between the owner of the improved property and a licensed sewage hauler for the pumping and transportation of the sewage removed from the holding tank.

C. A pledge that the contents of the ~~bank~~ tank shall be deposited in a licensed disposal plant only.

D. An understanding that all costs of maintenance of the bank, pumping of the bank, and the transportation of the sewage shall be the sole responsibility of the owner of the improved property.

E. The land upon which the holding tank is situate shall not be transferred without notice to the municipality.

F. The owner of improved property will assign all rights and duties under this agreement to his successor or assign.

Section 10. Violations. Any person who violates any provisions of Section 8 shall, upon conviction hereof by summary proceedings, be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars and not more than Three Hundred (\$300.00) Dollars and in default of said fine and costs, to undergo imprisonment in the County Prison for a period not in excess of thirty (30) days.

Section 11. Abatement of Nuisance. 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 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 or resolutions or parts of Ordinances or resolutions, insofar as they are inconsistent herewith, be and the same are hereby repealed.

Section 13. 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 Board of Supervisors of the Township, that this Ordinance would have been adopted had such unconstitutional, illegal or invlaid sentence, clause, section or part thereof not been included therein.

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

ENACTED AND ORDAINED into an Ordinance this -9th- day of May, A.D. 1990, by the Supervisors of the Township of Somerset, Somerset County, in lawful session duly assembled.

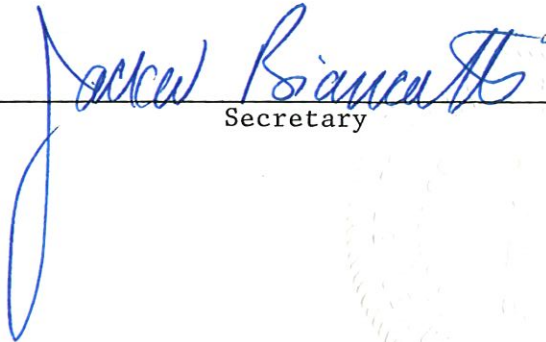
SUPERVISORS OF THE TOWNSHIP OF SOMERSET

Sean M. Ream

Edgar A. Schley

CERTIFICATION OF ADOPTION

I hereby certify the foregoing to be an exact copy of an Ordinance adopted by the Supervisors of the Township of Somerset, Somerset County, Pennsylvania, at a result meeting of the Board on - MAY 9, 1990 -.


Secretary