APPENDIX R-III-2a

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AN ORDINANCE GOVERNING SEWAGE FACILITIES HOLDING TANKS IN THE TOWNSHIP OF WEST PENN, SCHUYLKILL COUNTY, PENNSYLVANIA

BE IT ENACTED AND ORDAINED by the Supervisors of West Penn Township of Schuylkill 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 Supervisors of West Penn Township, Schuylkill 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.

C. "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.

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 Stream Law (35 PS §§ 691.1691.1001).

G. "Municipality" shall mean West Penn Township, Schuylkill County, Pennsylvania.

Section 3. Right and Privileges Granted. That 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 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 Agency, 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.

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 only the Agency or its agent to inspect holding tanks on an annual basis.

C. Permit only 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, 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 Board of Supervisors 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.

ENACTED AND ORDAINED into an ordinance this ____ day of _____, 2013, by the Board of Supervisors of West Penn Township, Schuylkill County, Pennsylvania in Lawful Session duly assembled.

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF WEST PENN

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CERTIFICATION OF ADOPTION

I hereby certify the foregoing to be an exact copy of an ordinance adopted by the Board of Supervisors of West Penn Township, Schuylkill County, Pennsylvania, at a regular meeting of the Board on _____.

_____

Secretary