

ORDINANCE NO. 71-1993

CENTRE TOWNSHIP HOLDING TANK ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF CENTRE, BERKS COUNTY, PENNSYLVANIA, REGULATING THE INSTALLATION, CONSTRUCTION, AND USE OF NEW AND EXISTING HOLDING TANKS, ESTABLISHING CERTAIN DEFINITIONS, PROVIDING FOR TOWNSHIP REGULATION, AUTHORIZING THE TOWNSHIP TO ESTABLISH RULES AND REGULATIONS, PROVIDING FOR RESPONSIBILITIES UPON THE OWNERS OF IMPROVED PROPERTIES WHO UTILIZE A HOLDING TANK TO COMPLY WITH REGULATIONS INCLUDING DISPOSAL REGULATIONS, PUMPING REQUIREMENTS, OBTAINING PERIODIC PERMITS ETC, PAYMENT OF DEPOSITS WITH TOWNSHIP, PROVIDING FOR PERMIT VALIDITY FOR FIVE YEARS IF RENEWED PERIODICALLY AS REQUIRED, PROVIDING FOR HOLDING TANK USE ONLY AS LAST AVAILABLE ALTERNATIVE, PROVIDING FINES FOR VIOLATIONS, PROVIDING JUDICIAL MEANS TO ABATE NUISANCES, PROVIDING FOR REPEAL OF INCONSISTENT ORDINANCES, PROVIDING FOR SEVERING OF INVALID, ILLEGAL OR UNCONSTITUTIONAL PROVISIONS AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Centre Township, Berks County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same, 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 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 terms used in this Ordinance shall be as follows:

- A. "Governing Body" shall mean the Board of Supervisors of Centre Township, Berks County, Pennsylvania.
- B. "Holding Tank" means a watertight receptacle 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 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; a substance harmful to public health, to animal or aquatic life, or to the use of water for domestic water supply or for recreation; or a substance which constitutes pollution under The Clean Streams Law.

G. "Municipality" or "Township" shall mean Centre Township, Berks County, Pennsylvania.

Section 3. Rights and Privileges Granted.

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

Section 4. Rules and Regulations.

The Governing Body is hereby authorized and empowered to adopt such rules and regulations concerning sewage as defined which it may deem necessary from time to time to effect the purposes of this Ordinance.

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

All rules and regulations adopted by the Governing Body pursuant to this Ordinance shall be in conformity with the provisions hereof, all other Ordinances of the Township, all applicable laws and all applicable rules and regulations of the Commonwealth of Pennsylvania and its departments and agencies.

Section 6. Rates and Charges.

The Governing Body shall have the right and power to fix fees by resolution.

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 Governmental Body with authority including the current regulations of the Pennsylvania Department of Environmental Resources ("DER") set forth in Title 25. Pa. Code.
- B. The disposal of sewage from holding tanks shall be made only at sites which have been approved by the Department of Environmental Resources for that purpose.
- C. All permits for the utilization of holding tanks within the Township for the collection of sewage issued after the effective date hereof shall expire one (1) year from the date of issuance and shall not be renewable except at the discretion of the Governing Body, upon their review, for such additional period of time as shall be deemed appropriate by the Governing Body.
- D. The Sewage Enforcement Officer of the Governing Body will inspect, receive, review and retain pumping receipts for each permitted holding tank.
- E. The Governing Body directly and through its Sewage Enforcement Officer 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 ordinance and all other applicable ordinances of the Township, the provisions of any applicable law, and the rules and regulations of the Governing Body, of DER and of any other administrative agency of Commonwealth of Pennsylvania.
- B. As required by DER, permit only the Governing Body or its SEO to inspect the holding tank on an annual basis.

C. As required by DER, permit only a licensed hauler to collect, transport, and dispose of the contents of the holding tank at a licensed permanent dumping site.

D. Provide proof to the governing body that the hauler and dumping site are both licensed by DER or other appropriate governmental agency.

E. Provide the Governing Body through its Sewage Enforcement Officer with receipts indicating that the holding tank has been pumped on a regular basis.

F. Discontinue the use of such holding tank if a permit or renewal permit for its use has not been issued pursuant to this Ordinance and rules and regulations adopted hereunder, within one (1) year from the date of issuance of the permit, and begin using a sewage collection and disposal system which has been approved for permanent use in place of such holding tank, unless the permit has been renewed by the Governing Body pursuant to Section 7.C. above.

Section 9. Validity

Any permit for the use of a holding tank in the Township issued by authority of the Governing Body pursuant to this Ordinance or any rules and regulations adopted hereunder, shall be valid for only five (5) years and shall not be renewable, except as set forth above in Section 7.C. Any person who sells, transfers or conveys an improved property in the Township which utilizes a permitted holding tank for collection and disposal of sewage shall give written notice to the purchaser or transferee thereof that the permit for the holding tank shall expire one (1) year from the date of issuance thereof and shall not be renewable and shall furnish a true and accurate copy of the holding tank permit to the new owner.

Section 10. Permitability

No permit for the use of a holding tank in Centre Township shall be issued, whether pursuant to this Ordinance, any rules and regulations adopted hereunder, 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 provisions of this Ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than Three Hundred (300) Dollars and not more than one thousand (1000) Dollars.

Section 12. 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 by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

Section 13. Repeal.

All ordinances or resolutions or parts of ordinances or resolutions which are inconsistent herewith are hereby repealed.

Section 14. 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 to be the intent of the Board of Supervisors of Centre Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

Section 15. Effective Date.

This Ordinance shall become effective on the earliest date allowed by law.

ENACTED AND ORDAINED this TWENTY-EIGHTH day of DECEMBER, 1993 .

ATTEST: George C. Seifrit
George C. Seifrit
Secretary

BOARD OF SUPERVISORS OF CENTRE
TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

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Albert W. Burkevage, Sr. (Chairman)

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Nancy E. Kachel (Supervisor)

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Harold A. Spatz (Supervisor)