

ORDINANCE No. 16-1

An Ordinance of Providence Township allowing for the use and maintenance of existing and new holding tanks in Providence Township

WHEREAS Providence Township has an existing holding tank ordinance in its Code of Ordinances which is in need of updating; and,

WHEREAS the Board of Supervisors desires to update the holding tank ordinance to comply with existing statutory and regulatory requirements.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED AS FOLLOWS:

Section 1. Providence Township's existing holding tank ordinance is deleted and the following substituted therefor:

**Part 2
Holding Tanks**

§18-201. Purposes.

The purpose of this Part 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 Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Township.

§18-202. Definitions.

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Part shall be as follows:

Authority— the Board of Supervisors of Providence Township, Lancaster County, Pennsylvania.

Holding tank - 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.

Holding tank cleaner- a person approved by the Authority and the Pennsylvania Department of Environmental Protection to pump and transport sewage, who removes the contents of a holding tank for the purpose of disposing of the sewage at an approved site.

Improved property - 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.

Owner- any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

Person - any individual, partnership, company, association, corporation or other group or entity.

Sewage - 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.

Township - Providence Township, Lancaster County, Pennsylvania.

§18-203. Right and Privileges Granted.

The Authority 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.

§18-204. Rules and Regulations.

The Authority 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 and that the township sewage officer shall be and is hereby authorized to enforce this Part and the rules and regulations promulgated by this Authority.

§18-205. Rules and Regulations to Be in Conformity with Applicable Law.

All such rules and regulations adopted by the Authority 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.

§18-206. Rates and Charges.

The Authority 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.

1. 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 holding tank cleaner, 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.

2. The Authority will receive, review and retain pumping receipts from permitted holding tanks.

3. The Authority will retain annual inspection reports for each permitted tank.

§18-208. Duties of Improved Property Owner.

The owner of an improved property that utilizes a holding tank shall:

A. Prior to the issuance of a holding tank permit, the owner shall provide to the Authority or its agent an application including the following:

(1) Name and address of the owner(s).

(2) Address, tax parcel number and deed reference of the property on which the holding tank will be located.

(3) A written contract between the owner and a qualified and responsible holding tank cleaner for the term of the holding tank permit, which contract shall provide for the timely and regular removal of the contents of the holding tank by

the holding tank cleaner; and, for the removal of the said contents to an approved disposal site for final disposition.

(4) An agreement to reimburse and indemnify the Township for any liability, costs and expenses, including reasonable legal fees, which shall or may be incurred by the Township in actions to enforce compliance by the owner or to remove the contents of the holding tank or the holding tank upon default or failure of the owner to perform or for any fines incurred by the Township by reason of the owner's failure to comply with this Part, any properly enacted amendment hereto or the laws and regulations of the Commonwealth of Pennsylvania.

B. 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 Authority and any administrative agency of the Commonwealth of Pennsylvania.

C. Permit the Authority or its agent to inspect holding tanks on an annual basis.

D. Permit approved holding tank cleaners to collect, transport, and dispose of the contents of the approved holding tank.

E. Any owner receiving a holding tank permit shall furnish to the Authority true and correct copies of all pumping receipts for cleaning or removing the contents of the holding tanks on a quarterly basis or as often as determined by the Sewage Enforcement Officer and the Township.

F. The failure of an owner to permit inspection of holding tanks or equipment of facilities used in connection with the holding tanks; or, the failure of the owner to have the holding tanks properly maintained and pumped out; or, the failure of the owner to furnish pumping receipts to the Authority in a timely fashion, shall be grounds for immediate revocation of permit.

§18-209. Permit Term and Renewal.

1. Each permit shall be issued for the term of 1 year.
2. Permits may be renewed annually upon proper application to the Authority.
3. In the event an owner holding a valid permit shall violate this Part during the term of the permit, no renewal permit shall thereafter be issued to such owner.

§18-210. Removal of Holding Tank.

Absent the grant of a renewal permit prior to the lapse of an existing permit, the owner shall remove or cause the removal of the holding tank within 20 days of the end of the term for which a permit has been issued.

§18-211. Penalties for Violation.

1. *Summary Offense.* Any person who shall violate any provision of this Part or the rules, regulations or standards promulgated pursuant to this Part or who is the owner of a property on which a condition exists which constitutes a nuisance under this Part or who resists or interferes with any officer, agent or employee of the Authority, in accordance with the provisions of the Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, upon conviction thereof in a proceeding commenced before a magisterial district judge in accordance with the Pennsylvania Rules of Criminal Procedure, shall be sentenced to a fine of not less than \$500 nor more than \$5,000, plus costs, or to imprisonment not to exceed 90 days, or both.

2. *Civil Penalties and Fees.* In addition to proceeding under any other remedy available at law or in equity for a violation of this Part or any rule or regulation promulgated under this Part or any permit issued pursuant thereto, the Township may assess a civil penalty against the person for that violation pursuant to the Pennsylvania Sewage Facilities Act, 35 P.S. 750.13a.

3. *Abatement of Nuisances.* In addition to any other remedies provided in this Part, any violation of this Part shall constitute a nuisance and shall be abated by the Township or the Authority by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

§18-212. Appeals.

1. Any owner aggrieved by denial of permit application shall first appeal to the Board of Supervisors.

2. The procedure for appeal shall in all respects conform to the procedure for appeal from denial of sewage permit by the Sewage Enforcement Officer of the Township, as provided by law.

Section 2. Any other ordinances of Providence Township which are in conflict or inconsistent with the provision of this ordinance are repealed to the extent of the inconsistency or conflict.

Section 3. The provisions of this Ordinance are severable. If any provision of this Ordinance or its application to any person or circumstance is held invalid by a court of competent jurisdiction, such validity shall not affect any other provision or application of this Ordinance.

Section 4. This Ordinance shall become effective five (5) days after enactment.

This ordinance has been enacted this 4th day of January, 2016.

PROVIDENCE TOWNSHIP BOARD OF SUPERVISORS






