

HERRICK TOWNSHIP

ORDINANCE # 399

RETAINING TANK ORDINANCE

BE IT ENACTED AND ORDAINED by the Township of HERRICK, of Susquehanna County, Pennsylvania, and it is hereby enacted and ordained as follows:

SECTION 1. PURPOSE.

The purpose of this Ordinance is to establish procedures for the use and maintenance of existing and new retaining 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.

A. As to any residential or commercial property, a retaining tank is a temporary solution to sewage disposal where an existing system has failed and will be permitted only when no other means of disposal is currently available when an existing system fails and undue hardship would result from ordering the cessation of the production of sewage. In no case will a retaining tank be construed as an alternative to conventional in-ground, individual or community sewage systems or to a sewage treatment system. A retaining tank will not be approved for any new construction where no alternative sewage disposal system is available.

SECTION 2. DEFINITIONS.

All definitions shall mean as defined in the Pennsylvania Code Title 25 Environmental Resources, Chapters 71m 72m 73. Including the following, unless the context specifically and clearly indicates otherwise.

- A. **“AUTHORITY”** shall mean the Council of Governments Sewage Enforcement Committee.
- B. **“IMPROVED PROPERTY”** shall mean any property with the Municipality upon which there is erected a structure intended for continuous or periodic habitation, occupation or use by human beings or animals and from which structure sewage shall or may be discharged.
- C. **“USE CHANGE”** shall mean any change of use from the original use to any other use.
- D. **“MUNICIPALITY”** shall mean any Township or Borough having passed an ordinance having the Council of Governments Sewage Enforcement Committee enforce their Sewage Facilities Official Plan.

SECTION 3. RIGHTS AND PRIVILEGES GRANTED.

That the Authority is hereby authorized and empowered to undertake with this Municipality the control and methods of retaining tank use, sewage disposal, and sewage collection and transportation thereof.

SECTION 4. RULES AND REGULATIONS.

That 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 purpose herein.

SECTION 5. Rules and Regulations to be in conformity with applicable law. All rules and regulations adopted by the Authority shall be in conformity with the provisions herein, all other ordinances of the municipality, all-applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

SECTION 6. 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.

SECTION 7. EXCLUSIVENESS OF RIGHTS AND PRIVILEGES.

- A. The collection and transportation of all sewage from any improved property utilizing a retaining tank shall be done solely by or under the direction and control of the Authority, and the disposal thereof shall be made at such site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.
- B. The Authority will receive, review, and retain pumping receipts from permitted retaining tanks.
- C. The Authority will complete and retain annual inspection reports for each permitted tank.

SECTION 8. DUTIES OF IMPROVED PROPERTY OWNERS.

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

- A. Maintain the retaining tank in conformance with this or any Ordinance of this Municipality, the provisions of any applicable law, and the rules and regulations of the Authority and any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit only the Authority or its agent to inspect retaining tanks on an annual basis.

- C. Permit only the Authority 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 Three Hundred (\$300.00) Dollars and not more than Five Hundred (\$500.00) Dollars, plus all costs of prosecutions, 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 10. REVOCATION OF PERMITS.

A permit may be revoked by the Authority at any time for one or more of the following reasons:

- A. When the use changes from the original use to another use without first obtaining a new permit.
- B. When the cost of enforcement is higher than the amount set aside in the escrow account.
- C. When the permittee has violated the Act, this part, or the requirements of the permit.

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 Authority 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 Ordinance or Resolutions, insofar as they are inconsistent here, be and the same 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 Governing Board of this Municipality, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid 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 7th day of
April 2008 by the Board of Supervisors of HERRICK
Township of Susquehanna County, Pennsylvania, in lawful session duly
assembled.

HERRICK TOWNSHIP

Board of Supervisors

ATTEST:

Nancy Hawatine
Secretary

Bill R...
Don...
Nancy Hawatine

SEAL

CERTIFICATION OF ADOPTION

I hereby certify the foregoing to be an exact copy of an Ordinance adopted by the Board of
Supervisors.

HERRICK Township at a regular meeting held on April 7, 2008.

Nancy Hawatine
Secretary