

TOWNSHIP OF WASHINGTON
FRANKLIN COUNTY, PENNSYLVANIA

ORDINANCE NO. 114

AN ORDINANCE REGULATING THE USE AND
MAINTENANCE OF HOLDING TANKS AND
PRIVIES IN WASHINGTON TOWNSHIP.

WHEREAS, the Supervisors of Washington Township, Franklin County, Pennsylvania, had heretofore adopted, as Ordinance No. 45, an ordinance regarding the regulation of holding tanks, and

WHEREAS, the Supervisors of Washington Township, Franklin County, Pennsylvania, desire to amend said ordinance in its entirety and to make it applicable to privies.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Supervisors of Washington Township, Franklin 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 and existing and new privies 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 terms used in this ordinance shall be as follows:

- A. "Governing Body" shall mean the Supervisors of Washington Township, Franklin County, Pennsylvania.
- B. "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.
- C. "Privy" means a watertight receptacle, whether permanent or temporary, which receives and retains sewage where water under pressure or piped waste water is not available and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.
- D. "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.

- E. "Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.
- F. "Person" shall mean any individual, partnership, company, association, corporation or other group or entity.
- G. "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 Streams Law (35 P.S., Sections 691.1 - 691.1001).
- H. "Municipality" shall mean the Township of Washington, Franklin County, Pennsylvania.

SECTION 3. Right and Privileges Granted. The Governing Body is hereby authorized and empowered to undertake within the Township the control and methods of holding tank and privy 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 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 Governing Body 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 Governing Body shall have the right and power to fix, 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 or privy shall be done solely by or under the direction and control of the Governing Body, 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 Governing Body will receive, review and retain pumping receipts from permitted holding tanks.

C. The Governing Body will complete and retain annual inspection reports for each permitted tank.

SECTION 8. Condition of Privy Use.

A. The property owner must show that site and soil suitability testing of the lot has been conducted by the Sewage Enforcement Officer and that the site meets the Title 25, Chapter 73 (Standards for Sewage Disposal Facilities) requirements as they may from time to time be amended for the ultimate sewage disposal by an approved on-lot system if water under pressure or piped waste water becomes available to the lot.

B. At such time that water under pressure becomes available, the property owner must remove the privy and replace the privy with an approved on-lot system.

C. The conditions of use described in A. above do not apply:

1. To a privy to be used on an isolated lot which is one acre or larger and is not or will not be served by water under pressure in the future.
2. To temporary use of portable retention tanks where their use is proposed at construction sites or at sites of public gatherings and entertainment.

D. Specific conditions for use of privies shall be incorporated in the permit application and permit for the proposed use of a privy.

E. The Governing Body shall have the opportunity to inspect the privy for proper operation, maintenance and content disposal.

SECTION 9. Duties of Improved Property Owner. The owner of an improved property that utilizes a holding tank or privy shall:

A. Maintain the holding tank or privy in conformance with this or any Ordinance of this Township, the provisions of any applicable law, and the rules and regulations of the Governing Body and any administrative agency of the Commonwealth of Pennsylvania.

B. Permit only the Governing Body or its agent to inspect holding tanks on an annual basis.

C. Permit only the Governing Body or its agent to collect, transport and dispose of the contents within said holding tank or privy.

D. Abandon the privy consistent with applicable public health and environmental standards or other appropriate standards and obtain a permit for and install an approved on-lot system meeting Chapter 73 standards in the event that water under pressure or piped waste water becomes available to the property.

E. Permit the Governing Body to enter upon lands to inspect the privy for proper operation, maintenance and contents disposal.

SECTION 10. Violations. Any person who violates any provision of Section, 7, 8, or 9 shall be guilty of a summary offense and, upon conviction thereof, such person shall be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) and costs, and not more than Three Hundred Dollars (\$300.00) and costs, or, in default thereof, shall be confined in the county jail for a period of not more than thirty (30) days.

SECTION 11. Abatement of Nuisances. In addition to any other remedies provided in this ordinance, any violation of Section 9 above shall constitute a nuisance and shall be abated by the municipality or the Governing Body by either seeking mitigation of the nuisance; by institution of a suit or suits in equity to restrain or prevent violations of the aforesaid sections; or by seeking a mandatory preliminary injunction under the applicable provisions of the Pennsylvania Sewage Facilities Act; or by seeking other legal relief from a court of competent jurisdiction.

SECTION 12. Repeal. Washington Township Ordinance No. 45, adopted on October 23, 1973, is hereby repealed in its entirety as are all other ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith.

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 invalid sentence, clause, section or part thereof not been included therein.

SECTION 14. This ordinance shall take effect five (5) days after enactment thereof.

DULY ENACTED AND ORDAINED this 2nd day of July, 1990, be the Board of Supervisors of the Township of Washington, Franklin County, Pennsylvania, in lawful session duly assembled.

Attest:

WASHINGTON TOWNSHIP
BOARD OF SUPERVISORS

By Juanita L. Ausherman
Juanita L. Ausherman,
Secretary

By Quinter D. Baumgardner
Quinter D. Baumgardner,
Chairman

I, Juanita L. Ausherman, Secretary of the Board of Supervisors, Washington Township, Franklin County, Pennsylvania, do certify that the foregoing is a true and correct copy of an Ordinance adopted at a regular meeting of the Washington Township Supervisors held July 2, 1990, in regular session duly assembled.

Juanita L. Ausherman
Juanita L. Ausherman
Secretary

