

TOWNSHIP OF WASHINGTON
FRANKLIN COUNTY, PENNSYLVANIA

ORDINANCE NO. 45

An Ordinance of the Board of Supervisors for the Township of Washington, Franklin County, Pennsylvania, regulating the use and maintenance of holding tanks designed to receive and retain sewage.

WHEREAS, the provisions of the Pennsylvania Sewage Facilities Act of January 24, 1966, P.L. 1535 (35 P.S. Section 750.1 et sec.) as amended, and Rules and Regulations adopted by the Pennsylvania Department of Environmental Resources pursuant thereto, provide for the use of holding tanks in lieu of treatment tanks and sub-surface absorption areas only where the municipality has by suitable ordinance, regulation or restriction assumed responsibility for maintaining existing and new holding tanks;

AND WHEREAS, the Board of Supervisors of the Township of Washington, Franklin County, Pennsylvania, in order to provide for the use of holding tanks in the Township of Washington, Franklin County, Pennsylvania, deem it necessary to assume responsibility for maintaining said holding tanks.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained by the Board of Supervisors of this Township as follows:

Section 1. Purpose. The purpose of this Ordinance is to establish procedures for the use and maintenance of holding 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 Township.

Section 2. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

A. "Holding Tank" means a waterright receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Holding tanks include but are not limited to the following:

1. "Chemical Toilet" which is a toilet using chemicals that discharge to a holding tank.
2. "Retention Tank" which is a holding tank where sewage is conveyed to it by a water carrying system.
3. "Vault Pit Privy" which is a holding tank designed to receive sewage where water under pressure is not available.

B. "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.

C. "Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

D. "Person" shall mean any individual, partnership, company, association, corporation or other group or entity.

E. "Sewage" shall mean any substance that contains any of the

waste products or excrement or other discharge from the bodies of human beings 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.

F. "Board of Supervisors" shall mean the Board of Supervisors of Washington Township, Franklin County, Pennsylvania.

Section 3. Rules and Regulations. ~~That~~ the Board of Supervisors of the Township of Washington, Franklin County, Pennsylvania, shall from time to time, adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein.

Section 4. Rules and Regulations to be in Conformity with Applicable Law. All such rules and regulations adopted by the Board of Supervisors 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 5. Rates and Charges. The Board of Supervisors 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 laws.

Section 6. Exclusiveness of Rights and Privileges. 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 Board of Supervisors of Washington Township, Franklin

County, Pennsylvania, 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.

Section 7. Duties of Improved Property Owners. 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 Board of Supervisors of Washington Township, Franklin County, Pennsylvania, and any administrative agency of the Commonwealth of Pennsylvania.

B. Permit only the Board of Supervisors of the Township of Washington, Franklin County, Pennsylvania, or anyone acting under the direction of the Board of Supervisors to collect, transport, and dispose of the contents therein.

Section 8. Violations. Any person who violates any provisions of Section 7. shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not more than One hundred (\$100.00) dollars and costs, and in default of said fine and costs to undergo imprisonment for a period not in excess of Thirty (30) days.

Section 9. Abatement of Nuisances. In addition to any other remedies provided in this Ordinance, any violation of Section 7 above shall constitute a nuisance and may be abated by the municipality or the Board of Supervisors of Washington Township, Franklin County, Pennsylvania, by either seeking

appropriate equitable or legal relief from a court of competent jurisdiction.

Section 10. Repeal. All Ordinances or resolutions or parts of Ordinances or resolution, insofar as they are inconsistent herewith, be and the same are hereby repealed.

Section 11. 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 12. Effective Date. This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED this 20 day of October, 1973, by the Board of Supervisors of the Township of Washington, Franklin County, Pennsylvania, in lawful session duly assembled.

ATTEST:

Kathryn Mullins
Secretary

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF WASHINGTON,
FRANKLIN COUNTY, PENNSYLVANIA

Andrew S. Fitz
Andrew S. Fitz

Glenn W. Snively
Glenn W. Snively

Melvin T. Sease
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