

ORDINANCE NO. 96

AN ORDINANCE OF THE TOWNSHIP OF SOUTH HUNTINGDON, COUNTY OF WESTMORELAND, AND COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING THE CIRCUMSTANCES, CRITERIA AND PROCEDURES FOR THE EXISTENCE, USE AND MAINTENANCE OF SEWAGE RETAINING TANKS, BY INDUSTRIAL USERS, INCLUDING RIGHTS AND REMEDIES FOR VIOLATIONS OF THE ORDINANCE, FINES AND PENALTIES.

BE IT ORDAINED AND ENACTED AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of South Huntingdon as follows:

SECTION I: Purpose. The purpose of this Ordinance is to establish procedures for the use and maintenance of existing and new retaining (holding) tanks designed to receive and retain sewage from properties and industrial uses. 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 the Township.

SECTION II: Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Agency - The Township of South Huntingdon.

Department - The Department of Environmental Protection of the Commonwealth of Pennsylvania or any subsequent named or designated agency of the Commonwealth of Pennsylvania with jurisdiction or responsibility for enforcement and implementation of The Pennsylvania Sewage Facilities Act, The Clean Streams Law and The Administrative Code of the Commonwealth of Pennsylvania.

Industrial Uses – Those uses ordinarily and customarily involving the manufacturing, processing, production, supply, distribution and storage of minerals, gas, oil, raw materials and products for use by others, including but not limited to:

- (1) Light manufacturing and fabrication.
- (2) Warehousing and storage.
- (3) Truck terminals.
- (4) Wholesale distribution.
- (5) Contractor's plant: sales, storage, supply yard.

- (6) Supply yards.
- (7) Municipal buildings.
- (8) Manufacturing.
- (9) Public utility buildings.
- (10) Oil and Gas Operations.

Person - An individual, association, public or private corporation for profit or not for profit, partnership, firm, company, trust, estate, department, board, bureau or agency of the United States, Commonwealth, political subdivision, municipality, district, authority or another group or legal entity which is recognized by law as the subject of rights and duties. The term includes the members of an association, partnership, limited liability company or partnership or firm and the officers of a local agency or municipal, public or private corporation for profit or not for profit.

Retaining Tank (Holding Tank) - A watertight receptacle, whether temporary or permanent, 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. The term includes:

- (a) Holding Tank - A tank, whether permanent or temporary, to which sewage is conveyed by a water carrying system.
- (b) Incinerating Toilet - A device capable of reducing waste materials to ashes.
- (c) Composting Toilet - A device for holding and processing human and organic kitchen waste employing the process of biological degradation thorough the action of microorganisms to produce a stable, humus-like material.
- (d) Recycling Toilet - A device in which the flushing medium is restored to a condition suitable for reuse in flushing.

Sewage - Any substance that contains the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances 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. The term also includes any substance which constitutes pollution under The Clean Streams Law (35 P.S. §369.1 – 691.1001, as amended and supplemented).

Sewage Enforcement Officer - An official of the local Agency who reviews permit applications and sewage facilities planning modules, issues permits as authorized by the Pennsylvania Sewage Facilities Act and the regulations promulgated thereunder and conducts investigations and inspections that are necessary to implement the act and regulations.

Township - The Township of South Huntingdon, Westmoreland County, Pennsylvania.

SECTION III: Utilization of Retaining Tank. The utilization of a retaining tank as a means of collecting and transporting and/or disposing of sewage within the Township is prohibited unless the utilization is approved and permitted by the Township, done by or under the direction and control of the Township, in accord with the requirements of this Ordinance and in accord with the Rules and Regulations of the Township promulgated under the authority set forth in this Ordinance.

SECTION IV: Rights and Privileges Granted. The Township is hereby authorized and empowered to undertake within the Township the use, permitting, control and methods of retaining (holding) tank use, sewage disposal and sewage collection and transportation related thereto.

SECTION V: Rules and Regulations. The Township is hereby authorized and empowered to adopt, by Resolution, from time to time, such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein. To that end the Resolution attached hereto and identified as Resolution No. _____ of the Township is hereby adopted as the initial Rules and Regulations.

SECTION VI: Rules and Regulations to be in Conformity with Applicable Law. All such rules and regulations adopted by the Township 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 and of the United States of America.

SECTION VII: Rates and Charges. The Township shall have the right and power to fix, alter, charge and collect fees, rates, assessments, and other charges by Resolution for the administration and enforcement of this Ordinance and the activities of the Township taken hereunder.

SECTION VIII: 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 Township, 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.

B. The Township shall receive, review and retain pumping receipts from the permittee of permitted holding tanks within ten (10) days of the pumping activity.

C. The Township will complete and retain annual inspection reports for each permitted holding tank.

SECTION IX: Duties of Permittee and Property Owner. The Permittee and Property Owner of any property that utilizes a permitted holding tank shall:

A. Maintain the holding tank in conformance with this or any ordinance of the Township, the provisions of any applicable law, and the rules and regulations of the Township and/or any administrative agency of the Commonwealth of Pennsylvania or the United States of America.

B. Unless otherwise agreed to by the Township, permit only the Township or its agent, official, employee, representative or consultant to inspect holding tanks.

C. Unless otherwise agreed to by the Township, permit only the Township or its agent, official, employee, representative or consultant to collect, transport, and dispose of the contents therein.

SECTION X: Violations. Any person who violates any provisions of Section IX, shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than Five-hundred (\$500.00) dollars and not more than Five Thousand (\$5,000.00) dollars and no cents, and in default of said fine and costs to undergo imprisonment for a period not in excess of ninety (90) days.

SECTION XI: Abatement of Nuisances. In addition to any other remedies provided in this ordinance, any violation of Section IX above shall constitute a public nuisance and may be abated by the Township by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

SECTION XII: Repeal. All ordinances or resolutions or parts of ordinances or resolutions, insofar as they are inconsistent herewith, be and the same are hereby repealed.

SECTION XIII: 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 has such constitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION XIV: Effective Date. This ordinance shall become effective five (5) days after its adoption.

ORDAINED AND ENACTED this 16th day of August, 2012.

ATTEST:

TOWNSHIP OF SOUTH HUNTINGDON
By: Scott Painter, Chairman

Cindy Thorne, Secretary