

FISHINGCREEK TOWNSHIP, COLUMBIA COUNTY, PA.  
ORDINANCE 01 – 1981

AN ORDINANCE DEFINING AND REGULATING HOLDING TANKS AND HOLDING TANK ENCLOSURES; ESTABLISHING MINIMUM STANDARDS GOVERNING THE INSTALLATION AND CONSTRUCTION OF HOLDING TANKS; ESTABLISHING MINIMUM STANDARDS GOVERNING THE INSPECTION AND PERMITTED USAGE AND ALL OTHER PHYSICAL CONDITIONS NECESSARY TO MAKE HOLDING TANK INSTALLATIONS SAFE, SANITARY, AND FIT FOR HUMAN USAGE; TO PROTECT, BENEFIT, AND PRESERVE THE HEALTH, SAFETY, AND WELFARE OF THE INHABITANTS OF FISHINGCREEK TOWNSHIP; FIXING THE RESPONSIBILITIES OF OWNERS AND USERS OF HOLDING TANKS; AND PENALTIES FOR VIOLATIONS.

NOW THEREFORE, be it ordained and hereby enacted by the BOARD OF SUPERVISORS OF FISHINGCREEK TOWNSHIP, County of Columbia and Commonwealth of Pennsylvania, by authority of same as follows:

SECTION 1: DEFINITIONS

For the purpose of this Ordinance, the following words and phrases shall have the meaning ascribed to them in this section:

BOARD OF SUPERVISORS means Fishingcreek Township - Board of Supervisors.

CERTIFICATE OF REGISTRATION means the written approval as issued by the Board of Supervisors and the Pennsylvania Department of Environmental Resources authorizing utilization of holding tanks.

HOLDING TANK means a water tight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal by pumping and hauling the sewage to an approved discharge site.

Holding tanks include but are not limited to the following:

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

IMPROVED PROPERTY shall mean any property within the Township of Fishingcreek where there is erected structure or structures intended for continuous or periodic habitation, occupancy, or use by human beings or animals and from which sewage shall or may be discharged.

OWNER shall mean any person or persons vested with ownership, legal or equitable, sole or partial, of any property located in Fishingcreek Township.

PERSON(S) shall mean any individual, partnership, company, association, corporation or any other group or entity.

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 substances harmful, inimical, or contaminable to the public health, safety, or welfare; or to animal or aquatic life or to the use of any public or private water supplies used for domestic consumption or recreation.

TOWNSHIP shall mean Fishingcreek Township, Columbia County, Pennsylvania.

## SECTION 2

### RULES AND REGULATIONS

- 2.1 The township is hereby authorized and empowered to control within the township all methods of holding tank sewage disposal, collection, and transportation thereof.
- 2.2 The township is empowered and shall adopt such rules and regulations concerning sewage disposal which it may deem necessary from time to time to effect the purposes herein.
- 2.3 Rules and regulations adopted by the township will be in conformity with the provisions herein, all other ordinances of the township, and all applicable laws, rules and regulations of the Commonwealth of Pennsylvania, Department of Environmental Recourses.
- 2.4 The township shall have the right and power to fix, alter, and control rates, assessments, permit fees, and any other charges applicable to the sewage disposal rules and regulations as established herein.
- 2.5 The collection and transportation of all sewage from any improved property utilizing approved holding tank facilities shall be done under the direction and control of the township and sewage disposal thereof shall be made only at such site or sites as may be approved by the Commonwealth of Pennsylvania, Department of Environmental Resources

### SECTION 3: PERMITS AND CERTIFIATION

- 3.1 The owner of any property proposing to utilize holding tank or tanks for onsite disposal of their sanitary sewage shall:
  - A. Apply for a township sewage facilities Act 537 permit in accordance with the applicable laws of the Commonwealth of Pennsylvania.
  - B. Attach proof of agreement between the owner and a certified sewage disposal hauler whereas the hauler contractually agrees to pump at regular intervals and dispose of at an approved site the waste from herein referenced holding tanks.
  - C. Attach proof of agreement between the contract hauler and on approved waste disposal site satisfactory to the Commonwealth of Pennsylvania, Department of Environmental Resources.
  - D. All waste disposal haulers authorized to pump, transport, and dispose of holding tank waste in the Township of Fishingcreek shall furnish to the township Supervisors a schedule of their pumping quantities to allow the township to ensure sufficient size and capability of the tank(s) being utilized.
  - E. The township, and/or its authorized representative, shall inspect prior to the installation of any holding tanks, their construction, water tightness, size and location, in conformance with their sewage facilities application.
  - F. If in the opinion of the township or its authorized representative any holding tank facility is broken, leaking, or not being satisfactorily pumped at regular intervals, the township shall file violation proceedings and require immediate correction by the owner or operator of the property site involved.

SECTION 4: VIOLATIONS

4.1 Any person who violates any provisions of this ordinance shall upon conviction thereof by summary proceedings be sentenced to pay a fine of not more than \$100.00 and costs, and in default of said fine and costs undergo imprisonment for a period of not in excess of 30 days. Whenever subject violation has been officially certified by the township, by letter or summons, or in any other official manner, each day's continuation of such violation after such notification shall constitute a separate offence punishable by like fine or penalty.

4.2 In addition to any other remedies provided in this ordinance, any violation of any of the provisions herein shall constitute a public nuisance, and may be abated by the township by seeking appropriate equitable or legal relief from a Court of competent jurisdiction.

SECTION 5: REPEALING OF PREVIOUS ORDINANCES

5.1 Any ordinance or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

SECTION 6: SEVERABILITY

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

SECTION 7: EFFECTIVE DATE

7.1 This Ordinance shall be effective at the earliest time authorized by law following its enactment.

ENACTED AND ORDAINED AS an ordinance of the Township of Fishingcreek, this 14<sup>th</sup> day of December, 1981.

FISHINGCREEK TOWNSHIP SUPERVISORS

Lynn Posey

Arthur Allegar

Reuben Albertson

Jean Deitterick

Secretary