

**TOWNSHIP OF PENN
SNYDER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2018-02

AN ORDINANCE OF THE TOWNSHIP OF PENN,
SNYDER COUNTY, PENNSYLVANIA ESTABLISHING
PROCEDURES FOR THE USE AND MAINTENANCE
OF HOLDING TANKS DESIGNED TO RECEIVE AND
RETAIN SEWAGE AND REPEALING PENN TOWNSHIP
ORDINANCE No. 90-2.

BE IT ORDAINED by the Township of Penn, Snyder County, Pennsylvania, as follows:

SECTION ONE. **Title.**

This Ordinance shall be known as the Penn Township Holding Tank Ordinance.

SECTION TWO. **Authority for Ordinance.**

This Ordinance is adopted in conformance with and pursuant to authority granted by Section 65712, Section 65729, Section 65741, Section 65751, and Section 65762 of the Pennsylvania Second Class Township Code as set forth in Title 53 of Purdon's Pennsylvania Statues Annotated, as amended.

SECTION THREE. **Purpose.**

This Ordinance establishes procedures for the use and maintenance of existing and new holding tanks, whether in commercial or residential use, and is necessary for the protection, benefit, and preservation of the health, safety, and welfare of the residents of the Township.

SECTION FOUR. **Definitions.**

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

Authority – Penn Township Municipal Authority.

Holding Tank – a watertight receptacle, whether permanent or temporary, which receives and retains sewage and is designed and constructed to facilitate the ultimate disposal of the sewage at another site. Holding tanks include but are not limited to the following:

Chemical Toilet – a toilet using chemicals that discharge to a holding tank.

Retention Tank – a holding tank to which sewage is conveyed by a water carrying system.

Vault Pit Privy – a holding tank designed to receive sewage where water under pressure is not available.

Improved Property – any property within the Township upon which is erected a structure intended for human or animal occupancy or use and from which structure sewage shall or may be discharged.

Owner – any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

Person – any individual, partnership, company, associate, corporation, or other group or entity.

Sewage – any substance that contains any of the excrement, waste products, or other discharge from the bodies of humans or animals or any noxious or deleterious substance that is harmful or inimical to the public health, to animal or aquatic life, or to water for domestic or recreational use.

Supervisors – The Board of Supervisors of Penn Township, Snyder County, Pennsylvania.

Township – Penn Township, Snyder County, Pennsylvania.

SECTION FIVE. Application.

No person shall install a holding tank without first applying for and obtaining a permit, in writing, from the Authority. Said application shall include the required permit application fee.

Application for a permit required under Section Five shall be made by the owner of the Improved Property served or to be served or by the duly authorized agent of such owner.

SECTION SIX. Rights and Privileges Granted.

The Authority is hereby authorized and empowered to undertake within the Township the permitting, control and methods of holding tank sewage disposal and the collection and transportation thereof.

SECTION SEVEN. Rules and Regulations.

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 of this Ordinance.

SECTION EIGHT. Rules and Regulations to be in Conformity with Applicable Law.

All such rules and regulations adopted by the Authority shall be in conformity with the provisions of this Ordinance, all other ordinances of the Township, all applicable laws, and all applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

SECTION NINE. 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 TEN. 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 Authority, 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 Authority will receive, review, and retain pumping receipts from permitted holding tanks.

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

SECTION ELEVEN. Duties of Improved Property Owner.

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 the Township, 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 holding tanks on an annual basis or as deemed necessary by the Authority.
- C. Permit only a licensed, qualified and responsible hauler to collect, transport, and dispose of the contents therein.
- D. Improved Property Owners must comply with all rules and regulations adopted by the Authority from time to time to effectuate the purpose of this Ordinance.

SECTION TWELVE. Violations.

Any person who violates any provision of this Ordinance shall upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars and not more than One Thousand (\$1,000.00) Dollars and costs and, in default of said fine and costs, to undergo imprisonment in the Snyder County Prison for a period not in excess of thirty (30) days.

SECTION THIRTEEN. Abatement of Nuisances.

In addition to any other remedies provided in this Ordinance, any violation of Section 12 shall constitute a nuisance and shall be abated by the Township or the Authority by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

SECTION FOURTEEN. Severability.

If any clause, provision, sentence, section, or part of this Ordinance shall be held to be invalid or illegal, such invalidity or illegality shall not affect or impair any remaining part of this Ordinance, it being the intent of the Supervisors that such remainder shall be and shall remain in full force and effect.

SECTION FIFTEEN. Repeal.


Penn Township Ordinance 90-2 and all other Township ordinances or parts thereof inconsistent herewith are hereby repealed.

SECTION SIXTEEN. Effective Date.

This Ordinance shall become effective five (5) days after its enactment.

ENACTED AND ORDANIED by the Board of Supervisors of Penn Township, Snyder County, Pennsylvania, this 5th day of September, 2018.

ATTEST:



Julie a. Hartley
Julie Hartley, Manager

PENN TOWNSHIP BOARD OF SUPERVISORS

Jon Payne
Jon Payne, Chairman

Brenda Moyer
Brenda Moyer, Vice Chairman

William Moyer
William Moyer, Supervisor