

## CATHARINE TOWNSHIP ORDINANCE NO 47

### AN ORDINANCE OF CATHARINE TOWNSHIP, BLAIR COUNTY, PENNSYLVANIA ENACTING HOLDING TANK REGULATIONS AND REPEALING HOLDING TANK ORDINANCE 21, ENACTED FEBRUARY 5<sup>TH</sup>, 1973.

The Board of Supervisors of Catharine Township, pursuant to the powers granted to them by the Act of Assembly of 1933, P.L. 103, as amended, do hereby enact and ordain; 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 designed to receive and retain sewage whether from residential or commercial uses and its 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. "Agency" means the Blair County Sanitary Administrative Committee.

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. "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.

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

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

F. "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.

G. "Municipality" shall mean Catharine Township, Blair County, Pennsylvania.

**SECTION 3. Rights and Privileges Granted.** That the Agency is hereby authorized and empowered to undertake within the Township the control and methods of holding tank use, sewage disposal and sewage collection and transportation thereof.

**SECTION 4. Rules and Regulations.** That the Agency 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 provisions herein, all other Ordinances of the Township, and all applicable laws, and applicable rules and regulations of such rules and regulations adopted by the Agency shall be in conformity with the administrative agencies of the Commonwealth of Pennsylvania.

**SECTION 6. Rates and Charges.** The Agency 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 7. 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 a licensed hauler permitted by the Pennsylvania Department of Environmental Protection, 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 Agency will receive, review and retain pumping receipts from permitted holding tanks, and supply copies thereof to the municipality.

C. The Agency will complete and retain annual inspection reports for each permitted tank, and supply copies thereof to the municipality.

**SECTION 8. 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 this Township, the provisions of any applicable law, and the rules and regulations of the Agency and any administrative agency of the Commonwealth of Pennsylvania.

B. Permit only the Agency or its Sewage Enforcement Officer to inspect any holding tanks on the improved property as deemed necessary by the Agency, but no less frequently than annually.

C. Permit only licensed and Pennsylvania DEP permitted haulers to collect, transport, and dispose of the contents thereof.

**SECTION 9. Violations.** Either the Agency or the Municipality shall have the authority to enforce the provisions of Section 8 of this Ordinance by either a criminal complaint, as set forth in Subsection A, below or by Civil Penalties as provided for in Subsection B, below.

A. **Criminal Complaint.** Any person who violates a provisions of Section 8 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 Three Hundred (\$300.00) Dollars and/or a period of imprisonment in the County Prison for a period not in excess of thirty (30) days

B. **Civil Penalties.** The Civil Penalties Procedure that have been adopted by the Agency, shall, upon notice given to any person, as defined in Section 2.E., above,

who is alleged to be in violation of Section 8, be invoked and followed. Prior to proceeding under the Civil Penalties Procedure, notice shall be given to the alleged violator that the Civil Penalties Procedure will be invoked and a complete copy of the then current Rules of Procedure of the Agency shall be provided to the alleged violator by regular mail.

**SECTION 10. Abatement of Nuisances.** In addition to any other remedies provided in this Ordinance, any violation of Section 8 above shall constitute a nuisance and shall be abated by the Municipality or the Authority by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

**SECTION 11. Repeal.** Ordinance No. 21 enacted February 5, 1973, is hereby specifically repealed. All Ordinances or Resolutions or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, are and the same are hereby repealed.

**SECTION 12. 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 constitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

**SECTION 13. Effective Date.** The effective date of this Ordinance shall be five (5) days after the date of enactment thereof.

**DULY ENACTED** at a meeting of the Board of Supervisors of the Township of Catharine on this the 18<sup>th</sup> day of July 2002.

CATHARINE TOWNSHIP BOARD OF SUPERVISORS BY:

*[Handwritten signature]*

Chairman

*[Handwritten signature]*

*[Handwritten signature]*

ATTEST:

*[Handwritten signature]*

Secretary