

MOUNT PLEASANT TOWNSHIP
COLUMBIA COUNTY, PENNSYLVANIA
ORDINANCE NO. 42-04

AN ORDINANCE ESTABLISHING 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
ADOPTING REGULATIONS TO IMPLEMENT THE
ORDINANCE.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Mount Pleasant Township, Columbia County, Pennsylvania, as follows:

SECTION 101. 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 it is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of health, safety, and welfare of the inhabitants of Mount Pleasant Township.

SECTION 201. DEFINITIONS. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

A. BOARD - The Board of Supervisors of Mount Pleasant Township, Columbia County, Pennsylvania.

B. HOLDING TANK - 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 - Any property within Mount Pleasant 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 - Any person vested with ownership, legal or equitable, sole or partial, or any property located in Mount Pleasant Township.

E. PERSON - Any individual, partnership, company, association, corporation or other group or entity.

F. SEWAGE - 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. TOWNSHIP - Any reference to Township shall mean Mount Pleasant Township, Columbia County, Pennsylvania.

SECTION 301. RIGHT AND PRIVILEGES GRANTED. The Board 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 401. RULES AND REGULATIONS. The Board is hereby authorized and empowered to adopt such regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein. All such rules and regulations shall be in conformity with the provisions hereof and all applicable laws of the Commonwealth of Pennsylvania. The regulations attached hereto are incorporated herein and made a part of this Ordinance.

SECTION 501. RATES AND CHARGES. The Board shall have the right and power to fix, alter, charge, and collect rates assessments and other charges.

SECTION 601. EXCLUSIVENESS OF RIGHTS AND PRIVILEGES.

A. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done under the direction and control of the Board, 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 Board, or its authorized designee, will receive and review pumping receipts from permitted holding tanks and will retain the same for a period of five (5) years.

C. The Board, or its authorized designee, will complete annual inspection reports for each permitted tank and will retain the same for a period of five (5) years.

SECTION 701. 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 Ordinance, the provisions of any applicable law, and the rules and regulations of the Board and any administrative agency of the Commonwealth of Pennsylvania.

B. Provide to the Board the financial security required by Section 2.7 of the Regulations adopted pursuant to Section 401 hereof.

C. Permit the Board or its agent to inspect holding tanks on an annual basis.

D. Permit the Board or its agent to collect, transport, and dispose of the contents therein.

SECTION 801. VIOLATIONS. Any person who violates any provisions of Section 701 hereof shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) and not more than Three Hundred Dollars (\$300.00), and in default of said fine and costs to undergo imprisonment in the County prison for a period not in excess of thirty (30) days .

SECTION 901. ABATEMENT OF NUISANCES. In addition to any other remedies provided in this Ordinance, any violation of Section 701 hereof shall constitute a nuisance and may be abated by the Township which may seek mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

SECTION 1001. REPEAL. Ordinance No. 29 is hereby repealed and all Ordinances or resolutions or parts of Ordinances or resolutions, insofar as they are inconsistent herewith, are hereby repealed.

SECTION 1101. 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 herein.

SECTION 1201. EFFECTIVE DATE. This Ordinance shall become effective five (5) days after its adoption.

ORDAINED AND ENACTED this 5th day of January, 2004

MOUNT PLEASANT TOWNSHIP:

ATTEST:

Coralee Kindt
Secretary
(SEAL)

John R. Gordner
CHAIR

**REGULATIONS PERTAINING TO THE
USE AND MAINTENANCE OF HOLDING TANKS**

The Board of Supervisors of Mount Pleasant Township, Columbia County, Pennsylvania, hereby adopt the following regulations pursuant to Section 401 of Ordinance No. 42-04 of Mount Pleasant Township.

**ARTICLE 1
DEFINITIONS**

1.1 Unless otherwise expressly provided, the following words and phrases shall, for the purposes of these Regulations, have the following meanings:

- (a) ACT - The Pennsylvania Sewage Facilities Act, 35 P.S. Section 7500.1, et seq. as from time to time amended.
- (b) BOARD - The Board of Supervisors of Mount Pleasant Township, Columbia County, Pennsylvania.
- (c) COMMITTEE - The Columbia County Sanitary Administrative Committee.
- (d) DEPARTMENT - The Pennsylvania Department of Environmental Protection or its successor state agency.
- (e) DISPOSAL SITE - A suitable facility for the final disposition of human and animal sewage and waste, which facility shall have been and remains approved for such purposes by the Department.
- (f) HOLDING TANK - 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.
- (g) HOLDING TANK CLEANER - The person who removes the contents of a holding tank for the purpose of disposing of the sewage at another site.
- (h) LOT - A parcel of land under single ownership regardless of acreage. In the event the subject lands are a portion of a large parcel of ground, the larger parcel of ground shall be considered as the Lot.
- (i) OFFICER - The duly appointed Sewage Enforcement Officer of the Township.
- (j) OWNER - Any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.
- (k) PERSON - Any natural person, association, partnership, corporation, firm or other legal entity.
- (l) SEWAGE - 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.

ARTICLE II
APPLICATION FOR PERMIT

2.1 Any owner seeking to use a holding tank for sewage disposal on any lot situated in the Township shall first obtain a permit from the Officer. Provided, however, that no permit shall be required for an animal manure storage facility designed and operated in accordance with the Department's approved manure management practices.

2.2 Permit application shall be made upon a form to be supplied by the Officer to any owner upon such owner's request.

2.3 The owner shall file the completed and executed application for permit with the Officer and shall pay to the Officer such application fee as the Committee may from time to time prescribe.

2.4 The owner shall cooperate with the Officer at all stages of the application process.

2.5 A permit shall be issued to the owner upon proper application, provided that where required by the Department's Regulations, the Board has amended its Official Sewage Facilities Plan and the Department has approved such amendment.

2.6 Prior to a permit being granted, the owner shall obtain and file with the Officer a certified copy of each of the following documents:

(a) A completed application;

(b) A written contract between the owner and a qualified and responsible holding tank cleaner for the term of the holding tank permit, which contract shall provide for the timely and regular removal of the contents of the holding tank by the holding tank cleaner to an approved disposal site for final disposition;

(c) A certified copy of a written contract between the holding tank cleaner and the disposal site providing the holding tank cleaner with the right to dispose of the holding tank contents for a time extending at least until the end of the period for which the holding tank permit is requested, which contract shall conform to 25 Pa. Code, Chapter 71. Permittee shall provide the Officer with copies of invoices from the disposal site;

(d) The fee established by the Committee;

(e) An agreement, in the form required by the Board, to reimburse and indemnify the Township for any liability, costs, and expenses which shall or may be incurred by the Township in actions to enforce compliance with the Ordinance by the owner or to remove the contents of the holding tank or the holding tank itself upon default or failure of the owner to do so and for any fines incurred by the Township by reason of the owner's failure to comply with these Regulations, any properly enacted amendment hereto or the laws and regulations of the Commonwealth of Pennsylvania;

(f) The amendment of the Township's Official Sewage Facilities Plan adopted by the Board and approved by the Department.

2.7 The Applicant shall provide financial security in a form approved by the Township in an amount equal to One Dollar (\$1.00) for each one (1) gallon of the holding tank's capacity which security shall provide for, and secure to the Township, the applicant's compliance with these Regulations, the Township's Holding Tank Ordinance and the Regulations of the Department pertaining to holding tanks. The financial security shall remain in place during the entire time the permit or any renewal thereof is in force .

ARTICLE III
PERMIT TERM AND RENEWAL

3.1 A permit for a holding tank shall be issued under the provisions of the Act, the applicable Regulations of the Department and Article III. A permit shall expire if construction or installation of the permitted holding tank and the structure for which the holding tank is to be installed has not begun within three (3) years after permit issuance, or such other time as provided by the Regulations. Where a permit expires, a new permit shall be obtained prior to beginning the construction or installation.

3.2 In the event an owner holding a permit shall violate any provision of the Act, the Regulations, Article III, or any condition of the permit, the permit shall be revoked.

ARTICLE IV
REMOVAL OF HOLDING TANK

4.1 Upon the expiration or revocation of a permit, the owner shall remove or cause the removal of the holding tank within twenty (20) days of the end of the term for which the permit was issued .

4.2 In the event a holding tank permit has been issued for a newly erected commercial structure pending the installation of an off-site sewage disposal system, the owner shall remove or cause the removal of the holding tank within twenty (20) days after the use of the off-site sewage disposal system is made available to the owner and shall connect with the off-site disposal system in the same time.

4.3 The Township, at its election, shall have the right to enter upon the premises of an owner for the purpose of removing or causing the removal of any holding tank which remains in place in violation of these Regulations. "Township" as used herein shall mean the Township, its employees or third parties contracted with by the Township for the purpose of removing the holding tank. All costs and expenses of removal shall be borne by the owner.

ARTICLE V
REQUIREMENTS FOR HOLDING TANK

5.1 Any holding tank installed or maintained pursuant to a permit issued under these Regulations shall comply, in all respects, with the specifications set forth in the Regulations of the Department pertaining to holding tanks.

5.2 The owner shall cause the holding tank and all lines, pipes, or conduits to the same to be maintained in a good watertight condition at all times.

5.3 All holding tanks shall be installed in a firm and stable soil or subsoil and in such a manner as to prevent settlement or movement.

5.4 The owner shall cause a holding tank to be cleaned as frequently as may be required to maintain the contents at a level of less than seventy-five percent (75%) of the tank capacity.

5.5 Holding tanks shall be installed at least fifty (50) feet downgrade from any storage of water supply.

ARTICLE VI
INSPECTIONS AND CERTIFICATION OF PUMPING

6.1 Any owner who applies for and receives a permit for a holding tank shall be deemed to have granted his consent for inspections of the holding tank and facilities used in connection with the holding tank by the Officer. At reasonable times during the hours of 8:00 am to 8:00 pm, the owner shall grant the Officer access to the premises for the purpose of making such inspections upon request of the Officer verbally or in writing.

6.2 Any owner receiving a holding tank permit shall furnish to the Township a true and correct copy of all pumping receipts for cleaning or removing the contents of the holding tank. Such reports shall be made to the Officer within ten (10) days after the contents of the holding tank are pumped out.

6.3 The failure of an owner to permit inspection of a holding tank or equipment or facilities used in connection therewith; the failure of the owner to have the holding tank properly maintained and pumped out; or the failure of the owner to furnish pumping receipts to the Township in a timely fashion shall be grounds for immediate revocation of his permit.

ADOPTED this 5th day of January, 2004

MOUNT PLEASANT TOWNSHIP:

ATTEST:

BY: John R. Gordner
CHAIR

Coralee Kindt
SECRETARY
(SEAL)