

EAST BETHLEHEM TOWNSHIP
HOLDING TANK(S) ORDINANCE

SEWERS AND SEWAGE DISPOSAL

Section: 101. Findings and Purposes.

The purpose of this Ordinance is to establish procedures for the use and maintenance of existing and new holding tank(s) 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 the health, safety and welfare of the inhabitants of East Bethlehem Township.

Section: 102. Definitions.

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

Board - The Board of Commissioner of East Bethlehem Township, Washington County, Pennsylvania;

Holding Tank(s) or Retaining Tank(s) - 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.

Improved Property - 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.

Owner - Any person vested with ownership, legal or equitable, sole or partial, or together with others of any property located in the Township.

Person - Any individual, partnership, company, association, corporation Or other group of entity.

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.

Township of East Bethlehem - East Bethlehem Township, Washington County, Pennsylvania.

Section: 103. Rights and Privileges Granted.

The Board is hereby authorized and empowered to undertake within the Township the control and methods of holding tank construction, maintenance, removal, use, sewage disposal and sewage collection and transportation of the contents of said tanks.

Section: 104. Rules and Regulations.

The Board is hereby authorized and empowered to adopt such rules, regulations and conditions concerning holding tanks that it may deem necessary from time to time to effect the purposes of this Ordinance.

Section: 105. Rules and Regulations to be in Conformity with Applicable Law.

All such rules, regulations and conditions adopted by the Board 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.

Section: 106. Rates and Charges.

The Board shall have the right and power to fix, alter, charge and collect rates, assessments and other charges in connection with the administration of this Ordinance at reasonable and uniform rates not contrary to applicable law.

Section: 107. Exclusiveness of Rights and Privileges.

1. 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 Board, 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.
2. The Board shall receive, review and retain pumping receipts from each permitted holding tank(s).
3. The Board shall complete and retain animal inspection reports for each permitted holding tank(s).

Section: 108. 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 or any other Ordinance of the Township, the provisions of any applicable law and the rules, regulations and conditions of the board and any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit only the Board or its agents to inspect holding tanks on an annual basis.
- C. Permit only the Board or its agents or an approved hauler to collect, transport and Dispose of the contents therein.
- D. Enter into a written agreement with the Township providing for the duties and obligations of said property owner with respect to, but not limited to, the construction, use, maintenance and removal of holding tanks.
- E. Provide such financial security for the performance of their undertakings and obligations set forth in any written agreement with the Township.

Section: 109. Penalties.

Any person, firm or corporation who shall violate any provision of this Ordinance, upon conviction, thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000.00 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Ordinance continues or each Section of this Ordinance which shall be found to have been violated shall constitute a separate offense.

Section: 110. Abatement of Nuisances.

In addition to any other remedies provided in this Ordinance, any violation of §108, above, shall constitute a nuisance and may be abated by the Township or the Board be either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

ENACTED AND ORDAINED by the Board of Commissioners of East Bethlehem Township, Washington County, Pennsylvania, at its regularly scheduled meeting held on the 9th day of May, 2012.

Maryann Kubacki
Secretary

Paul Battaglini
Paul Battaglini, Chairman of Board of Commissioners

Gasper Impiccini
Gasper Impiccini, Vice-Chairman of Board of Commissioners

Mike Packrall
Mike Packrall, Commissioner

Ferdal Littleton
Ferdal Littleton, Commissioner

Charles Mowl
Charles Mowl, Commissioner