

CHAPTER 14

HOLDING TANK ORDINANCE

BOROUGH OF WYALUSING
ORDINANCE NO. 14

AN ORDINANCE CHAPTER NO. 14, HOLDING TANK ORDINANCE, OF THE CODE OF THE BOROUGH OF WYALUSING, COUNTY OF BRADFORD, COMMONWEALTH OF PENNSYLVANIA.

The purpose of this Ordinance is to regulate vaults, cesspools and drains as authorized under the Borough Code found at 53 P.S. § 46202, Specific powers.

8) Regulation of vaults, cesspools and drains. To make regulations respecting vaults, cesspools and drains.

BE IT ENACTED AND ORDAINED by the Council of the Borough of Wyalusing, Bradford County, Pennsylvania, as follows:

Section 1. Purposes. The propose of this Ordinance is to establish procedure for the use and maintenance of existing and new holding tanks designed to receive and retain sewage whether for residential or commercial uses and it is hereby declared that the enactment of this Ordinance is necessarily for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this municipality, except for such exemptions set aside by the Act of Assembly as shall be applicable to agricultural uses.

Section 2. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in the Ordinance shall be as follows:

A. "Authority" shall mean the Council of the Borough of Wyalusing, Bradford County, Pennsylvania.

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 Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human being 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, or any property located in the Borough.

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, except such exemptions as shall be set aside by Act of Assembly as exempt from requiring planning in the disposal of waster for agriculture uses without actual harm resulting, to wit: Agricultural Farm waste as defined under Chapter 101 Sub/section 101.8 – Regarding SPECIAL WATER POLLUTION REGULATIONS.

G. "Municipality" shall mean Borough of Wyalusing, Bradford County, Pennsylvania.

Section 3. Right and privileges granted. That the Authority is hereby authorized and empowered to undertake within the Borough the control and methods of holding tank use, sewage disposal and sewage collection and transportation thereof.

Section 4. Rules and Regulations. That 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 purposes herein.

Section 5. 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 herein, all other Ordinance of the Borough, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

Section 6. 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 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 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 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 Borough, 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.
- C. Permit only the Authority or its agent to collect, transport and dispose of the contents therein.

Section 9. Violations. Any person who violates any 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 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 10. Abatement of Nuisances. In addition to any other remedies provide in this Ordinance, any violations 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. All Ordinances or resolutions, insofar as they are inconsistent herewith, be 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 provision, sentence, clause, section, or part of this Ordinance. It is hereby declared as the intent of the Council of the Borough, that this Ordinance would have been adopted has such constitutional, illegal, or invalid sentence, clause, section or part thereof not been included therein.

Section 13. Effective Date. This Ordinance shall become effecting five (5) days after its adoption.

THIS ORDINANCE shall take effect immediately upon adoption.