

FALLOWFIELD TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 194

AN ORDINANCE OF THE TOWNSHIP OF FALLOWFIELD, WASHINGTON COUNTY, PENNSYLVANIA ESTABLISHING PROCEDURES FOR THE USE AND MAINTENANCE OF EXISTING AND NEW HOLDING TANKS DESIGNED TO RECEIVE AND RETAIN SEWAGE WHETHER FROM RESIDENTIAL, COMMERCIAL, OR OTHER USES; ALLOWING THE TOWNSHIP TO FIX, ALTER, CHARGE AND COLLECT RATES, ASSESSMENTS, AND OTHER CHARGES; GIVING THE TOWNSHIP OR ITS DESIGNATED AGENT THE RIGHT AND PRIVILEGE TO COLLECT, TRANSPORT, AND DISPOSE OF ALL SEWAGE FROM IMPROVED PROPERTIES UTILIZING HOLDING TANKS IF THE PROPERTY OWNER HAS FAILED TO MAINTAIN THE HOLDING TANK AS REQUIRED BY LAW; PROVIDING DUTIES FOR IMPROVED PROPERTY OWNERS UTILIZING HOLDING TANKS ON THEIR PROPERTY; PROVIDING A LENGTH OF TIME FOR USE OF EACH HOLDING TANK; ALLOWING THE TOWNSHIP OR ITS DESIGNATED AGENT TO ABATE NUISANCES; REGULATING THE USE OF HOLDING TANKS WITHIN THE TOWNSHIP, WHICH WILL FURTHER THE PUBLIC HEALTH, SAFETY AND WELFARE OF TOWNSHIP RESIDENTS; REPEALING INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES, AND INCLUDING A SAVINGS CLAUSE.

WHEREAS, the Township is required under Act 537 of the Pennsylvania Department of Environmental Protection to regulate the use of holding tanks on improved properties within the Township; and

WHEREAS, the Board of Supervisors of the Township believes that an Ordinance that regulates the use of holding tanks on improved properties within the Township will further the public health, safety and welfare;

AND NOW it is hereby ordained and enacted by the Board of Supervisors of the Township of Fallowfield, Washington County, Commonwealth of Pennsylvania as follows:

SECTION I. PURPOSES.

The purpose of this Ordinance is to establish procedures for the use and maintenance of existing and new holding tanks on improved properties designed to receive and retain sewage whether from residential, commercial or other 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 this Municipality.

SECTION II. DEFINITIONS.

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

- A. TOWNSHIP shall mean Fallowfield Township, Washington County, Pennsylvania.
- B. HOLDING TANK shall mean 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. This definition shall include, but shall not be limited to, the following:
 - 1. CHEMICAL TOILET shall mean a toilet using chemicals that discharge to a holding tank.
 - 2. RETENTION TANK shall mean a holding tank to which sewage is conveyed by a water-carrying system.
 - 3. VAULT PIT PRIVY shall mean a holding tank designed to receive sewage where water under pressure is not available.
- 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. MUNICIPALITY shall mean Fallowfield Township, Washington County, Pennsylvania.
- E. OWNER shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.
- F. PERSON shall mean any individual, partnership, company, association, corporation, or other group or entity.
- G. SEWAGE shall mean any substance that contains any of the waste products or excrement or other discharges from the bodies of human beings 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 recreation or any substance which constitutes pollution under the Clean Stream Law (53 P.S. §§ 691.1-691.1001).

SECTION III. DESIGNATION OF AGENT.

The Township does hereby appoint the Washington County Sewage Council (WCSC) as its designated agent, unless and until a subsequent agent is appointed.

SECTION IV. RIGHTS AND PRIVILEGES GRANTED.

That the Township, or its designated agent, 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 in accordance with all applicable laws, rules and regulations. The Township, or its designated agent, will complete and retain annual inspection reports for each permitted tank.

SECTION V. AUTHORITY TO ADOPT RULES AND REGULATIONS.

That the Township is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to affect the purposes herein.

SECTION VI. RULES AND REGULATIONS TO BE IN CONFORMITY WITH APPLICABLE LAW.

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

SECTION VII. RATES AND CHARGES.

All fees, including, but not limited to, permit fees, inspection fees, and related costs, are to be paid to the Washington County Sewage Council or to the Township if applicable.

The Township shall have the right and power by resolution, including, but not limited to, the following: to fix, alter, charge and collect rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates.

SECTION VIII. DUTIES OF IMPROVED PROPERTY OWNER.

The owner of an improved property that utilizes a holding tank shall:

- A. Obtain a permit from the Township or its designated agent prior to the installment of any holding tank.

- B. Collect, transport, and deposit all sewage, from all improved property utilizing a holding tank, to a Pennsylvania Department of Environmental Protection approved site.
- C. Maintain the holding tank in conformance with this and any other ordinance of the Township, the provisions of applicable law, and the rules/regulations of the Township and any administrative agency of the Commonwealth of Pennsylvania, including, but not limited to, the Department of Environmental Protection.
- D. The property owner shall receive and retain pumping receipts from permitted holding tanks and shall provide the Township or its designated agent with copies of those receipts, as requested, or within a reasonable time after receiving the same.
- E. Permit the Township, or its designated agent, to inspect holding tanks on at least an annual basis or anytime upon request from the Township or its designated official.
- F. Permit the Township, or its designated agent, to collect, transport, and dispose of all sewage from improved properties utilizing holding tanks if the property owner has failed to maintain the holding tank as set forth in this Ordinance or any other applicable laws.
- G. If the property owner fails or refuses to comply with the orders and directives of the Township or its designated agent as to the collection, transportation, and disposal of all sewage from his improved property utilizing holding tanks, the sewage will be collected, transported, and disposed of by the Township or its designated official, and all costs will be paid by the property owner, who will also be subject to fines and penalties.

SECTION IX. 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 Township or its designated agent, 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 Township, or its designated agent, will receive, review and retain pumping receipts from permitted holding tanks.
- C. The Township, or its designated agent, will complete and retain annual inspection reports for each permitted holding tank.

SECTION X. LENGTH OF TIME OF EXISTENCE.

All holding tanks permitted under this article shall be in existence for a period of one (1) year, which can be extended, with certain terms and conditions, for another year. At the end of one (1) year if the permit has not been extended for the additional year, the owner shall be responsible for replacing the holding tank with a sewage treatment plant or sewage system approved by the Department of Environmental Protection and the Township.

SECTION XI. VIOLATIONS AND PENALTIES.

Any person that violates any provisions of Section VIII shall, upon conviction thereof by civil proceedings, be sentenced to pay a fine of not less than Five-hundred (\$500.00) dollars and not more than Five Thousand (\$5,000.00) dollars and no cents, and in default of said fine and costs, by imprisonment of not more than ninety days, and any attorneys' fees. For each day that a violation of this article continues, it shall constitute a separate offense and subject the property owner to additional fines and costs as provided herein.

SECTION XII. ABATEMENT OF NUISANCES.

In addition to any other remedies provided in this Ordinance, any violation of Section VIII shall constitute a nuisance and shall be abated by the Township or its designated agent by either seeking mitigation of the nuisance or appropriate equitable relief, such as the right to seek injunctive relief to prevent the continued use of holding tanks, or legal relief from a court of competent jurisdiction.

SECTION XIII. POWERS BY RESOLUTION.

The Township shall have the right and power by resolution to adopt additional rules and regulations, and change, amend, and/or delete any of the provisions of this Ordinance.

SECTION XIV. REPEALER.

Any ordinances or parts of ordinances which conflict with this Ordinance are hereby repealed only to the extent of such irreconcilable conflict.

SECTION XV. INTERPRETATION.

Nothing in this Ordinance shall be construed or interpreted as authorizing or permitting any activity which is prohibited by the laws of the Commonwealth of Pennsylvania or the United States of America.

SECTION XVI. EFFECTIVE DATE.

This Ordinance shall be effective thirty days following the adoption by the Township Supervisors, pursuant to the pending ordinance rule.

SECTION XVII. SAVINGS CLAUSE:

Should any provision or other part of this Ordinance be finally declared to be illegal, unenforceable, void or unconstitutional, such shall not affect the remainder of this ordinance which shall nonetheless be fully valid, binding and enforceable.

ORDAINED AND ENACTED as an Ordinance of the Township of Fallowfield by the Board of Supervisors of the Township of Fallowfield this 25th day of June, 2008.

ATTEST:

TOWNSHIP OF FALLOWFIELD

Linnie May
Secretary

By: *Herward L. Pennington*
Chairman, Board of Supervisors

(SEAL)