

Temp. COPY

ORDINANCE NO. 42

ORDINANCE AUTHORIZING AND DIRECTING THE RUSH TOWNSHIP SEWER AUTHORITY TO UNDERTAKE WITHIN RUSH TOWNSHIP THE DESIGN AND METHODS OF SEWAGE DISPOSAL, THE COLLECTION AND TRANSPORTATION THEREOF, PRESCRIBING RULES AND REGULATIONS, REMEDIES FOR ABATEMENT OF NUISANCES AND PENALTIES FOR VIOLATIONS.

HOLDING TANK ORDINANCE

BE IT ENACTED AND ORDAINED by The Board of Supervisors, Rush Township, of Schuylkill County, Pennsylvania, and it is hereby enacted and ordained as follows:

SECTION 1. PURPOSE. The purpose of this Ordinance is to establish procedures for the use and maintenance of 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 the health, safety and welfare of the inhabitants of this Township.

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

A. "Authority" shall mean Rush Township Sewer Authority, a Pennsylvania Municipal Authority.

B. "Holding Tank" means a watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Holding tanks include but are not

limited to the following:

1. "Chemical Toilet" which is a toilet using chemicals that discharge to a holding tank.
2. "Retention Tank" which is a holding tank where sewage is conveyed to it by a water carrying system.
3. "Vault Pit Privy" which is a holding tank designed to receive sewage where water under pressure is

C. "Improved" shall mean any structure 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. "Township" shall mean Rush Township,
Schuylkill County, Pennsylvania.

SECTION 3. RIGHTS AND PRIVILEGES GRANTED. That the Authority is hereby authorized and empowered to undertake within the Township the control and methods of holding tank sewage disposal and the 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 Ordinances of the Township, 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. 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.

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 Authority and any administrative agency of the Commonwealth of Pennsylvania.

(b) Permit only the Authority or anyone acting under the direction of the Authority 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 more than One Hundred (\$100.00) Dollars and costs, and in default of said fine and costs to undergo imprisonment in the Schuylkill County Prison for a period not in excess of thirty (30) days.

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 may be abated by the municipality or the Authority by either seeking appropriate equitable or legal relief from a court of competent jurisdiction.

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.

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 Authority and any administrative agency of the Commonwealth of Pennsylvania.
- (b) *Permit only the AUTHORITY or anyone* acting under the direction of the Authority 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 more than One Hundred (\$100.00) Dollars and costs, and in default of said fine and costs to undergo imprisonment in the Schuylkill County Prison for a period not in excess of thirty (30) days.

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 may be abated by the municipality or the Authority by either seeking appropriate equitable or legal relief from a court of competent jurisdiction.

SECTION 11. REPEAL. All Ordinances or resolutions or parts of 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 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. This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED into an Ordinance this 2nd day of March, A.D. 1973, by the Board of Supervisors of the Township of Rush in lawful session duly assembled.

BOARD OF SUPERVISORS OF
THE TOWNSHIP OF RUSH

Samuel C. Kellie

Gene Blackwell