

ORDINANCE #28

ORDINANCE ESTABLISHING PROCEDURE FOR THE USE AND MAINTENANCE OF HOLDING TANKS IN STRASBURG TOWNSHIP UNDER CERTAIN CONDITIONS; PROVIDING FOR THE PROMULGATION OF RULES AND REGULATIONS INCIDENTAL THERETO; PROCEDURES FOR THE ESTABLISHMENT OF RATES AND CHARGES; ESTABLISHING DUTIES OF IMPROVED PROPERTY OWNERS UTILIZING HOLDING TANKS; PROVIDING PENALTIES FOR VIOLATIONS OF THE ORDINANCE AND ABATEMENT OF NUISANCES

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Strasburg, Lancaster 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, commercial, or industrial 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. "Board" shall mean the Board of Supervisors of Strasburg Township.

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 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 excrements 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 Strasburg Township, Lancaster County, Pennsylvania.

Section 3. Rights and Privileges Granted. The Board 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. The Board 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. In the absence of adoption of rules and regulations by the Board relative to the administration of this Ordinance, the rules and regulations of the Pennsylvania Department of Environmental Resources (DER) or any successor department or administrative agency of the state pertaining to the conditions justifying use of holding tanks, the method of construction and installation of said tanks, the method of maintenance of holding tanks and all other matters relative to the use of holding tanks within municipalities shall be considered and deemed rules and regulations of the Township and shall be applied by the Township in the administration of this Ordinance.

Section 5. 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 of this Ordinance, all other Ordinances of the Township, and all applicable laws, rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

Section 6. Rates and Charges. The Township 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 Township, 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. Prior to approval of the holding tank, the Owner shall be required to furnish to the Township a written contract entered into between the Owner and the hauler, non-cancelable in form, whereby the hauler agrees to receive and dispose of the sewage at a site or sites acceptable to the Township and not to cancel or terminate the contract except upon at least ninety (90) days' written notice to the Township of intention to terminate.

Along with the written contract, the Owner shall submit to the Board a written estimate prepared by the hauler of the cost to pump out the tank and the anticipated frequency of such pumping.

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 Township and any administrative agency of the Commonwealth of

Pennsylvania.

B. Permit only the Township or, if the Township so directs, a person under contract with the property Owner to collect, transport, and dispose of the contents therein.

C. Provide the Township, at least quarterly, with all pumping receipts from the permitted holding tanks on the property of Owner, for review and retention by the Township.

D. Enter into a Holding Tank Maintenance Agreement with the Township, the form and substance of which shall be approved by resolution by the Board and may be amended from time to time. As part of the Holding Tank Maintenance Agreement, the Owner shall establish with the Township an escrow account in an amount equal to the estimated cost to pump and haul the anticipated sewage. In the event that any time after the Board has received pumping receipts from the Owner in accordance with the terms and conditions of this Ordinance which receipts indicate that the cost to pump and haul the sewage has increased, then in that event the Board may in its sole discretion require that the Owner increase the funds deposited in the escrow account such that the funds\* in the account are equal to the then current pumping and hauling charges of the contract hauler.

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 \$300.00 and costs, and in default of said fine and costs to undergo imprisonment in the Lancaster County Prison for a period not in excess of five (5) 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 Township 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 mutually contradictory herewith, be and the same are hereby repealed; provided however that the terms of all other ordinances or resolutions or parts thereof shall be interpreted in a manner consistent with this ordinance.

Section 12. Severability. If any sentence, clause, section or part of this Ordinance is 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 that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

Section 13. Inspection; Fee. All holding tanks shall be inspected at least annually by the Township Sewage Enforcement Officer, who shall prepare a written inspection report. The Owner shall pay an inspection fee as established by the Township by resolution from time to time.

Section 14. Retention of Records. With respect to each holding tank, the pumping receipts required under Section 8(C) and the written inspection report required under Section 14 shall be retained by the Township.

Section 15. Effective Date. This Ordinance shall become effective five (5) days after its adoption.

ORDAINED AND ENACTED this 6<sup>th</sup> day of June, 1994

BOARD OF SUPERVISORS OF STRASBURG  
TOWNSHIP

By: Daniel C. Herr  
Daniel C. Herr, Chairman

CERTIFICATION OF ADOPTION

I hereby certify the foregoing to be an exact copy of an Ordinance adopted by the Board of Supervisors of Strasburg Township, Lancaster County, Pennsylvania, at a regular meeting of the Board on June 6, 1994.

Diane Sarti  
Diane Sarti, secretary