

WEST PIKELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NUMBER: 2006-202

AN ORDINANCE TO ESTABLISH PROCEDURES FOR THE USE AND MAINTENANCE OF EXISTING AND NEW HOLDING TANKS DESIGNED TO RECEIVE AND RETAIN SANITARY SEWAGE WHETHER FROM RESIDENTIAL OR COMMERCIAL USES, AND TO PROVIDE FOR PENALTIES FOR THE VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of West Pikeland, Chester County, Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1. Purposes. The purpose of this Ordinance is to establish procedures for the use and maintenance of existing and new holding tanks designed to receive and retain sanitary sewage whether from residential or commercial uses. It is hereby declared that the enactment of the Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of West Pikeland 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. “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.

- B. “Improved Property” shall mean any property within the Township upon which there was erected, on the effective date of this Ordinance, 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.

- C. “Owner” shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

- D. “Person” shall mean any individual, partnership, company, association, corporation or other group or entity.

- E. “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 recreation or any substance which constitutes pollution under the Clean Stream Law (35 PS Subsections 691.1 – 691.1001).

- F. “Township” shall mean the Township of West Pikeland, Chester County, Pennsylvania.

Section 3. Right and privileges granted. The Township 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.

Section 4. Rules and regulations. 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 effect the purposes herein.

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 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 Township shall have the right and power to fix, alter, charge and collect rates, assessments, and other charges, to include the cost of the holding tank annual inspection, and the cost to collect, transport, and dispose of the contents wherein, 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 Township, 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 will receive, review and retain pumping receipts from permitted holding tanks.
- C. The Township will complete and retain annual inspection reports for each holding 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 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 its agent to inspect holding tanks on an annual basis.
- C. Permit only a Chester County Health Department Licensed Waste Hauler, which shall be approved by the Township, to collect, transport, and dispose of the contents therein to a disposal site approved by the Pennsylvania Department of Environmental Protection..
- D. Deposit with the Township a bond, issued by a bonding company which is authorized to do business in Pennsylvania, in the amount of \$5000.00 per holding tank. The purpose of the bond is to ensure proper installation, maintenance, disposal and removal of said holding tank(s) and sewage. The bond shall be renewed each year, and shall contain a provision that the Township shall be notified in writing via certified mail, by the bonding company of the termination of said bond at least 30 days prior to the expiration/termination date.

Section 9. Violations. Any person who violates any provision of Section 8, shall, upon conviction thereof by summary 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 in default of said fine and costs of undergo imprisonment in the county prison for a period not in excess of 90 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 shall be abated by the Township 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 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 of West Pikeland that this ordinance would have been adopted has such unconstitutional, 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 17TH day of JULY 2006.

WEST PIKELAND TOWNSHIP
BOARD OF SUPERVISORS

Harold H. Hallman, III, Chairman

William Cracas, Supervisor

ATTEST:

Joan C. Matthews, Secretary