

ORDINANCE NO. 111

AN ORDINANCE OF THE TOWNSHIP OF DAUGHERTY, BEAVER COUNTY, PENNSYLVANIA AUTHORIZING THE USE OF HOLDING TANKS FOR SANITARY SEWAGE IN THE TOWNSHIP, AND EMPOWERING THE TOWNSHIP SUPERVISORS TO REGULATE, CONTROL AND ISSUE PERMITS FOR THE SAME.

WHEREAS, the Board of Supervisors of the Township of Daugherty, Beaver County, deem it to be in the best interest of the community to establish procedures for the use and maintenance of existing and new holding tanks designed to receive and retain sewage for disposal at another site.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Daugherty, County of Beaver and Commonwealth of Pennsylvania, as follows:

SECTION 1: Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- A. Township Supervisors shall mean Board of Supervisors of the Township of Daugherty, Beaver County, Pennsylvania.
- B. “DEP” the Department of Environmental Protection of the Commonwealth of Pennsylvania, or its successor agency.
- C. “Holding Tank” means a watertight receptacle, whether permanent or temporary which receives and retains sewage conveyed by a waste carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.
- D. “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.
- 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 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.
- H. “Township” shall mean Daugherty Township, Beaver County, Pennsylvania.

SECTION 2: Design Standards for Holding Tanks. Holding tanks shall only be permitted to be constructed and installed if the design of the same meets the standards and requirements of the DEP and the provisions of this Ordinance and any regulations adopted thereunder.

SECTION 3: Permits. Prior to the issuance of a Holding Tank Permit by the Township, and the initial construction, installation, covering and operation of such holding tank, such proposed holding tank must and shall have received all necessary approvals of the DEP. In addition, landowner shall supply the Township with a copy of a contract by and between the landowner and hauler of sewage or effluent that provides for proper and timely disposal of the sewage or effluent at a DEP approved disposal site and which contract shall include provisions:

- 1.) That the hauler contracted by the landowner shall notify the Township, if for any reason, the contract is terminated, voided or otherwise not in existence by and between the landowner and the hauler.
- 2.) The landowner or said hauler shall provide pumping receipts to the Township of the quantity of sewage or effluent removed and hauled from the holding tank and further certification by the hauler to the Township, that all hauled effluent was or is being disposed of at a DEP permitted sewage disposal facility.
- 3.) The landowner or said hauler shall provide receipts of and from the disposal facility to which the hauler has taken the sewage or effluent from the subject holding tank for ultimate disposal, which receipts of the ultimate disposal site shall verify to the Township the quantity of sewage or effluent removed and hauled from the holding tank.

SECTION 4: Submission of Plans. Upon the construction of a holding tank, the landowner shall provide the Township with a complete set of “as built” plans for the holding tank. No alternation or change in the design or the construction of such holding tank shall be made by the landowner without first obtaining an additional Holding Tank Permit from the Township.

SECTION 5: Maintenance. So long as a holding tank shall remain in existence and be necessary to collect and hold sewage or effluent from the property for which same was or is permitted to be installed, constructed and operated, the landowner shall properly maintain, repair and operate said holding tank and provide for the proper disposal of the sewage or effluent at a DEP approved disposal site.

SECTION 6: Pumping Receipts and Annual Inspection. Pursuant to the provisions of the Pennsylvania Sewage Facilities Act and the regulations promulgated thereunder, the Township, by the enactment of this Ordinance, has and does assume full responsibility for maintaining holding tanks and for the proper collection and disposal of the contents thereof. As to any holding tank for which it issues a Holding Tank Permit, the Township does hereby:

a.) Specify and direct that the pumping receipts, the disposal site receipts and certifications required under this Ordinance, shall be filed with the Township Secretary;

b.) Specify and direct the annual inspection of the holding tanks existing within the Township by the Township Engineer, or other designated official, who shall make a written report as to such inspection and shall file the same with the Township Secretary.

SECTION 7: Conditions of the Permit. The conditions, included in the issuance of any Holding Tank Permit by the Township, are that:

a.) The landowner in possession and control of the land as to which any holding tank has been approved to be installed and constructed, and so long as such holding tank shall remain in existence and be necessary to collect and hold sewage or effluent of the land for which same was or is permitted to be served, the landowner has granted and does grant and acknowledge the right and privilege to the Township by its designated agent, the right of entry on the subject land to conduct inspection and testing of the subject holding tank by and on behalf of the Township for the purpose of ascertaining that the holding tank is being maintained and operating properly, and for the purpose of taking any remedial action due to and in the event the landowner is not maintaining and removing sewage or effluent from the same properly.

b.) In the event the landowner fails to achieve timely compliance with the provisions of this Ordinance or the provisions of the Pennsylvania Sewage Facilities Act or Regulations promulgated thereunder for the repair, maintenance and operation of a holding tank, the Township or DEP shall have the right to enter upon the subject land to perform any repairs, replacement or maintenance with respect to the holding tank as necessary, and to remove and haul sewage therefrom to a DEP approved sewage disposal site, all of which shall be done at the sole cost and expense of the landowner.

SECTION 8: Required Financial Security. On or before any Holding Tank Permit being issued by the Township, and for so long as any holding tank shall remain in existence and be necessary to collect sewage and effluent of the land for which same was or is permitted, the landowner shall provide and maintain financial security to assure compliance with all applicable laws and regulations and the provisions of this Ordinance of such type and in such amount as Township Supervisors shall from time to time prescribe.

SECTION 9: Collection of Any Costs or Expense Incurred by the Township. The landowner of any land for which a holding tank has been permitted shall be responsible for payment of all cost or expenses incurred by the Township in the administration of enforcement of this Ordinance. Upon notice the Township to the landowner of non-compliance by the landowner with the terms and provisions of this Ordinance, the required financial security may be declared forfeited by or payable to the Township, at its sole option. In the event said financial security is insufficient to reimburse

the Township for such excess costs or expenses. In the event the required financial security is reduced below the amount set by the Township, upon notice from the Township, the landowner shall immediately cause the same to be increased to the required amount. In the event the landowner shall fail to deliver to the Township any sum of money required to maintain financial security, or to reimburse the Township for any costs or expenses incurred by the Township, or to reimburse the Township for any costs or expenses in excess of the financial security forfeited to the Township, the Township may, at its sole option, either:

a.) Institute suit against the landowner in a civil action to collect such cost or expenses incurred by the Township, including cost of suit and reasonable attorney fees; or

b.) Cause a lien to be filed on the subject property of the landowner for which a holding tank was permitted under this Ordinance in accordance with the Municipal Lien Law for all cost or expenses incurred by the Township, including reasonable attorney fees.

SECTION 10: Fines. This Ordinance is enacted and promulgated pursuant to the provisions, requirements and authority of the Pennsylvania Sewage Facilities Act, and Regulations promulgated thereunder, and the Second Class Township Code. Any violation of this Ordinance or the Pennsylvania Sewage Facilities Act or Regulations promulgated thereunder, as to the construction, maintenance, repair, operation, discharge of sewage or effluent, or in improper removing, hauling or disposal of sewage or effluent, shall constitute and is a public nuisance. Any person who shall violate any such provision, or who is the owner of property on which a condition exists and which constitutes a nuisance, or who interferes with any officer, or agent, or employee of the Township in the performance of duties pursuant to this Ordinance, the said Pennsylvania Sewage Facilities Act or Regulations promulgated thereunder, shall be guilty of a summary offence. Upon conviction thereof, such person shall be sentenced to pay a fine of not less than Five Hundred (\$500.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, plus costs, or to be imprisoned not to exceed ninety (90) days, or both.

SECTION 11: Civil Penalties. In addition to proceeding under any other remedy available at law or in equity for violation of any provision of this Ordinance or any directive issued by the Township pursuant to this Ordinance, the Township, after notice and hearing may assess a civil penalty against any person for the violation in accordance with the provisions of the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, Section 1 et seq., as amended.

SECTION 12: Rules and Regulations. Township Supervisors are hereby authorized and empowered to adopt such rules and regulations concerning holding tanks which they may deem necessary from time to time to effect the purposes of this Ordinance. All such rules and regulations adopted by the Township Supervisors 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.

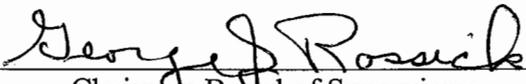
SECTION 13. Rates and Charges. Township Supervisors shall have the right and power to fix, alter, charge and collect rates, assessments, and other charges as authorized by applicable law.

SECTION 14. Repeal. All Ordinances or Resolutions or parts of Ordinance or Resolutions, insofar as they are inconsistent herewith, are hereby repealed.

SECTION 15. 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, Daugherty Township, that this Ordinance would have been adopted had such constitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

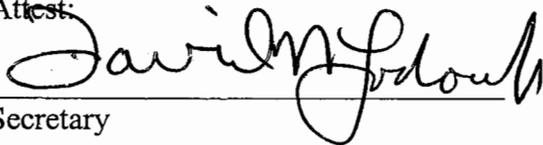
ENACTED AND ORDAINED this 13th day of August, 2003.

TOWNSHIP OF DAUGHERTY



Chairman Board of Supervisors

Attest:



Secretary

Dated: 8-13-03