

FISHING CREEK TOWNSHIP
ORDINANCE NO. 1 of 2003

**AN ORDINANCE PROVIDING FOR THE USE AND MAINTENANCE OF HOLDING
TANKS IN FISHING CREEK TOWNSHIP**

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Fishing Creek Township, Columbia County, Pennsylvania, and it is hereby enacted and ordained as follows:

1. **Purpose:** The purpose of this Ordinance is to establish prodecures for the use and maintenance of existing and new 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 residents of this Township.

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

- a. "Board" shall mean the Board of Supervisors of Fishing Creek Township, Columbia 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;
- 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 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, corporation, partnership, association, or other group or entity;
- f. "Sewage" shall mean any substance containing any of the waste products, excrement or other discharge from the bodies of human beings and any noxious or deleterious substance being harmful or inimical to the public heath, to animal or aquatic life, or to the use of water for domestic water supply or for recreation;
- g. "Township" shall mean Fishing Creek Township, Columbia County, Pennsylvania.

3. **Powers and Privileges Granted:** The Board is hereby authorized and empowered to undertake within the Township the control and methods of holding tank use, sewage disposal, sewage collection and transportation thereof.

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. All such rules and regulations adopted by the Board 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.

5. **Rates and Charges:** The Board 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.

6. **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 Board, or its authorized designee, 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.
- b. The Board, or its authorized designee, shall receive, review and retain pumping receipts from permitted holding tanks;
- c. The Board, or its authorized designee, will perform an annual inspection of each permitted holding tank and will complete and retain annual inspection reports for each permitted holding tank.

7. **Duties of Improved Property Owner:** The owner of any improved property utilizing a holding tank shall:

- a. Maintain the holding tank in conformance with this Ordinance, the provisions of any applicable law, the rules and regulations of the Board, and the rules and regulations of any administrative agency of the Commonwealth of Pennsylvania;
- b. Permit the Board, or its authorized designee, to inspect the holding tank on at least an annual basis;
- c. Permit the Board, or its authorized designee, to collect, transport, and dispose of the contents of the holding tank.

8. **Violations:** Any person who violates any provision of this Ordinance shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not more than One Thousand (\$1,000.00) Dollars, plus costs of prosecution, and in default

d. of payment of said fine and costs, to undergo imprisonment in the Columbia County Prison for a period not in excess of thirty (30) days.

9. **Abatement of Nuisances**: In addition to any other remedies provided in this Ordinance, any violation of Section 7, above, shall constitute a nuisance which may be abated by the Board or the Township by either seeking mitigation of the nuisance or appropriate legal or equitable relief from a court of competent jurisdiction.

10. **Repealer**: All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith, be and the same are hereby repealed.

11. **Severability**: If any sentence, clause, section or clause 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 herein.

12. **Effective Date**: This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED into an Ordinance this 13th day of August, 2003,
By the Board of Supervisors of the Township of Fishing Creek in Lawful Session duly assembled.

BOARD OF SUPERVISORS OF
FISHING CREEK TOWNSHIP

Mark

Roy W. Bershline

Randall Laubach

ATTEST:

Patricia M. Russo
SECRETARY

(SEAL)