

ORDINANCE NO. 82

AN ORDINANCE OF THE TOWNSHIP OF CAERNARVON, LANCASTER COUNTY,
PENNSYLVANIA, ESTABLISHING PROCEDURES FOR THE USE AND MAINTENANCE OF
HOLDING TANKS

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Caernarvon, Lancaster County, Pennsylvania, and it is hereby ENACTED AND ORDAINED as follows:

WHEREAS, the Supervisors of Caernarvon Township, Lancaster County, Pennsylvania, find as a matter of fact that certain existing structures in Caernarvon Township, Lancaster County, Pennsylvania, cannot meet the requirements of the Pennsylvania Sewage Facilities Act and the rules of the Department of Environmental Protection because the said premises are situate on property that is presently unfit for an on-site sewage system; and

WHEREAS, the Supervisors of Caernarvon Township intend to allow for sewage disposal facilities on said properties for existing structures that had sewage disposal facilities previously but said disposal facilities are now to be upgraded in order to comply with the Pennsylvania Sewage Facilities Act and rules and regulations of the Department of Environmental Protection and to allow for certain use facilities in accordance with PA DEP Chapter 71.63 for institutional, recreational and certain commercial uses.

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, institutional, or commercial use 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. SCOPE

Holding tanks may be allowed for structures in existence at the time of the enactment of this Ordinance, as well as for institutional, recreational and certain commercial uses.

SECTION 3. DEFINITIONS

- A. "Holding Tank" means a water-tight 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 available.

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- B. "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.
- C. "Applicant or 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.
- F. "Township" shall mean the Township of Caernarvon, Lancaster County, Pennsylvania.

SECTION 4. COMPLIANCE WITH THE RULES AND REGULATION OF
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Sewage Enforcement Officer at Caernarvon Township is hereby authorized and empowered to license and allow holding tanks in accordance with the provisions of this Ordinance and the rules and regulations adopted by the Township pursuant to this Ordinance.

SECTION 5. RULES AND REGULATIONS

The Township shall adopt and amend as necessary hereinafter, rules and regulations for the disposal of domestic waste by holding tanks. All such rules and regulations adopted by the Township shall include and be in conformity with the provisions of the Department of Environmental Protection of the Commonwealth of Pennsylvania.

Holding tanks shall be constructed to meet the specifications of Section 73.31 (b) of Title 25 of the Pennsylvania Sewage Facilities Act.

The minimum capacity of a holding tank shall be one thousand (1,000) gallons or a volume equal to the quantity of waste generated in three (3) days, whichever is larger.

The holding tank shall be equipped with a warning device to indicate when the tank is filled to within seventy-five percent (75%) of its capacity. Such warning device shall create an audible and visual signal at a location frequented by the homeowner or responsible individual.

The holding tank may be utilized for sewage flows less than 800 gallons/day serving institutional, commercial, recreational, new facilities and existing health hazard abatement of any site which does not qualify for conventional, alternate or best available technical guidance sewage disposal.

Disposal of waste from a holding tank shall be at a site approved by the Department of Environmental Protection.

SECTION 6. RATES AND CHARGES

The Township shall have the power and the right to fix, alter, charge and collect rates, as shall be established by Resolution duly adopted hereinafter or so amended, for permits granted by the Sewage Enforcement Officer in accordance with the provision of this Ordinance and the rules and regulations duly adopted. In any case, the owner shall hold the Township harmless from any expense, cost or charge that it might incur from the enforcement of this Ordinance as it relates to any permit granted to such person or owner.

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 under the jurisdiction of the Sewage Enforcement of the Township, and the disposal thereof shall be made only at such a site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.

SECTION 8. CONDITION PRECEDENT TO ISSUANCE OF A PERMIT

No permit shall be granted to any owner of an approved property that utilizes a holding tank prior to that owner presenting evidence to the Sewage Enforcement Officer that the owner has a binding agreement with a sewage disposal company for the regular maintenance and disposal of the sewage collected in the holding tank for a period no less than one (1) year.

Additionally, owner shall execute with the Township a Holding Tank Agreement setting forth the terms of this Ordinance therein, and deposit with the Township an amount of money or other security sufficient to guarantee the maintenance of said system, as determined by the Sewage Enforcement Officer.

All fees and costs of and concerning said contract shall be paid to assure that the contractual agreement is binding and that the sewage will be removed accordingly. The permit will automatically renew for another year upon satisfactorily passing an annual compliance inspection by the Township Sewage Enforcement Officer.

SECTION 9. DUTIES OF IMPROVED PROPERTY OWNER

The owner of an improved property that utilizes a holding tank shall maintain the holding in conformance of this or any Ordinance of this Township, the provisions of any applicable law, and the rules and regulations of the Department of Environmental Protection and any administrative agency of the Commonwealth of Pennsylvania, and execute an agreement as set forth in Section 8 aforesaid. The owner shall retain all pump receipts from the PA DEP-approved holding tank cleaner. A meter device shall be installed on the cold-water service onsite to record all water flow to the sewage collection system.

SECTION 10. ANNUAL HOLDING TANK INSPECTIONS

An annual holding tank inspection with a written report shall be completed by the Township Sewage Enforcement Officer. The owner shall be required to remit to the SEO the fee currently approved by the Township for said inspection. The applicant must provide all pumping receipts to the SEO at this inspection.

SECTION 11. VIOLATIONS

Any person who violates any provisions of Section 9 shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than Five Hundred Dollars (\$500.00) and not more than Five Thousand Dollars (\$5,000.00), and in default of said fine and costs, to undergo imprisonment in the County Prison for a period of not in excess of ninety (90) days.

SECTION 12. ABATEMENT OF NUISANCES

In addition to any other remedies provided in this Ordinance, any violation of this Ordinance shall constitute a nuisance and may be abated by the municipality or the Department of Environmental Protection by either seeking appropriate equitable or legal relief from a Court of competent jurisdiction.

SECTION 13. REPEAL

All Ordinances or Resolutions or parts of Ordinance or Resolutions, insofar as they are inconsistent herewith, be and the same are hereby repealed.

SECTION 14. SEVERABILITY

If any sentence, clause, section of part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not effect 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 Caernarvon Township that this Ordinance would have been adopted has such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

ENACTED and ORDAINED into an Ordinance this 7th day of June, 2004, by the Board of Supervisors of Caernarvon Township, Lancaster County, Pennsylvania.

TOWNSHIP OF CAERNARVON

By Dan Rhille
Chairperson

Attest:

[Signature]
Secretary