

**TOWNSHIP OF PERRY, LAWRENCE COUNTY
COMMONWEALTH OF PENNSYLVANIA
RETAINING TANK ORDINANCE NUMBER: 01-3-12**

**AN ORDINANCE OF THE TOWNSHIP OF PERRY, LAWRENCE COUNTY,
COMMONWEALTH OF PENNSYLVANIA FOR THE PURPOSE OF
ESTABLISHING PROCEDURES FOR THE USE AND MAINTENANCE OF
EXISTING AND NEW RETAINING TANKS**

WHEREAS, the Perry Township Board of Supervisors wish to regulate holding tanks within the Township;

THEREFORE, the Perry Township Board of Supervisors hereby enacts the following ordinance:

Section 1. Purposes. The purpose of this Ordinance is to establish procedures for the use and maintenance of existing and new retaining 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 Perry 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. Township** shall mean the Perry Township Board of Supervisors, Perry Township, Lawrence County, Pennsylvania.
- B. Chemical toilet** shall mean a permanent or portable non-flushing toilet using chemical treatment in the retaining tank for odor control.
- C. Composting toilet** shall mean a device for holding and processing human and organic kitchen waste employing the process of biological degradation through the action of microorganisms to produce a stable, humus-like material.
- D. Holding tank** shall mean a tank, whether permanent or temporary, to which sewage is conveyed by a water-carrying system.
- E. Improved property** shall mean any property within Perry 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.
- F. Incinerating toilet** shall mean a device capable of reducing waste materials to ashes.
- G. Municipality** shall mean Perry Township, Lawrence County, Pennsylvania
- H. Owner** shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in Perry Township.
- I. Person** shall mean any individual, partnership, company, association, corporation or other group or entity.
- J. Privy** shall mean a tank designed to receive sewage where water under pressure is not available.
- K. Recycling toilet** shall mean a device in which the flushing medium is restored to a condition suitable for reuse in flushing.
- L. Retaining tank** shall mean a watertight receptacle, which receives and retains sewage and is designed and constructed to facilitate ultimate

disposal of the sewage at another site. The term includes, but is not limited to chemical toilets, holding tanks, privies, incinerating toilets, composting toilets, and recycling toilets.

- M. **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 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 or any substance which constitutes pollution under the Clean Streams Law, 35 P.S. Sections 691.1-691.1011.

Section 3. Right and privileges granted. That the Township is hereby authorized and empowered to undertake within the Township the control and method of privy 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. Fees. The Township shall have the right to charge the appropriate fee for a holding tank permit, said fee to be based upon the cost to the Township for the Sewage Enforcement Officer, and other township officials to review the permit. The fee for the holding tank permit shall be set at the reorganization meeting, and modified at anytime thereafter, by the Township.

Section 7. Exclusiveness of Rights and Privileges.

- A. The collection and transportation of all sewage from any improved property utilizing a retaining 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 retaining tanks.
- C. The Township will complete and retain annual inspection reports for each permitted tank.

Section 8. Duties of Improved Property Owner. The owner of an improved property that utilizes a retaining tank shall:

- A. Maintain the retaining tank in conformance with this or any Ordinance of Perry 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 the Township or its agents to inspect retaining tanks on an annual basis.
- C. Permit only the Township or its approved agent to collect, transport and dispose of the contents of the retaining tank.

Section 9. Violations. Any person who violates, or permits violations of, any provisions of Section 8 shall be liable for a civil fine of up to \$1,000 as well as payment of all Court costs and reasonable attorneys fees incurred by Perry Township.

- 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 Perry Township by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.
- Section 11. Approval of Holding Tank.** The approval of a holding tank permit shall be within the sole discretion of the Township, and the Township may refuse to grant a permit if a community sewage service system is available to the property, if a septic system can be installed on the property, or if some other sewage treatment facility can be installed upon the property. A holding tank is not meant to be a substitute for a permanent method to treat sewage. **THE TOWNSHIP RESERVES THE RIGHT TO ONLY ISSUE HOLDING TANK PERMITS FOR THE TREATMENT AND/OR STORAGE OF SEWAGE ON A TEMPORARY BASIS, AND NOT AS A PERMANENT METHOD OF TREATMENT OR REMOVAL OF SEWAGE.**
- Section 12. Repeal.** All Ordinances or Resolutions or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, be and are the same are hereby repealed.
- Section 13. Severability:** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason found illegal, invalid or unconstitutional, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance.
- Section 14. Effective Date:** This ordinance shall become effective on January 3, 2012

ENACTED AND ORDINAINED this 3rd day of January, 2012.

Supervisor

SEAL

Supervisor

Supervisor

Attest: