

ORDINANCE NO. : # 43
TEMPORARY HOLDING TANKS FOR COMMERCIAL DEVELOPMENT
ALONG DEFINED TRUNK LINES

BE IT ENACTED AND ORDAINED by the Supervisors of the Township of Great Bend, of Susquehanna 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 temporary holding tanks designed to receive and retain sewage from commercial uses. 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 municipality.

Great Bend Township openly supports commercial development that has a positive impact on the economic viability of the Township. There is a project currently underway to extend a sewer line from New Milford, PA to the Hallstead-Great Bend Joint Sewage Sewer Authority in Great Bend, PA. A permanent connection to the Sewer Authority is a preferred alternative to on-lot sewage systems.

Great Bend Township recognizes that it is a financial deterrent to a prospective commercial development to design and install an on-lot sewer system when said system will be decommissioned immediately upon the completion of the new sewer line.

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

- A. "Agency" shall mean the Supervisors of Great Bend Township, Susquehanna 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 Great Bend 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.
- 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, partnership, company, association, corporation or other group or entity.
- F. "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 for recreation or any substance which constitutes pollution under the Clean Stream Laws (35 PS §§ 691.1-691.1001).
- G. "Municipality" shall mean Great Bend Township, Susquehanna County, Pennsylvania.

Section 3. Right and Privileges Granted. The Agency is hereby authorized and empowered to undertake within Great Bend Township the control and methods of temporary holding tank use, sewage disposal and sewage collection and transportation thereof.

Section 4. Rules and Regulations. That the Agency is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to affect the purposes herein.

Section 5. Rules and Regulations to be in Conformity with Applicable Laws. All such rules and regulations adopted by the Agency 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 Charge. The Agency 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.

Fees for a temporary holding tank permit will be published on a separate schedule

Section 7. Exclusiveness of Rights and Privileges.

- A. A temporary holding tank permit will be issued on a case by case basis for prospective commercial development and will satisfy the property owner's requirements for sewer planning.
- B. Prospective developments must be located on properties that can be served directly by the new sewer line as it is currently designed. Properties that might be served by laterals designed and installed in the future are not eligible for a temporary holding tank permit.

- C. The collection and transportation of all sewage from any improved property utilizing a temporary holding tank shall be done solely by or under the direction and control of the Agency, 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.
- D. The Agency will receive, review and retain pumping receipts from permitted holding tanks.
- E. The Agency will complete and retain annual inspection reports for each permitted holding tank.

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

- A. Maintain the temporary 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 Agency and any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit only the Agency or its agent to inspect holding tanks on an annual basis.
- C. Present the Agency with a signed contract with a licensed sanitary service to collect, transport, and dispose of the contents therein.
- D. The temporary holding tank must be disconnected and removed from the premises within 90 days of the new sewer line being placed into service. After 90 days, Great Bend Township reserves the right to disconnect and remove said holding tank at the property owner's expense.

Section 9. Violations. Any person who violates any provisions 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 no cents, and in default of said fine and costs to undergo imprisonment in the county prison for a period not in excess of ninety (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 Municipality or the Agency 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 of 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 Great Bend Township that this ordinance would have been adopted has such constitutional, 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.

This ordinance shall become null and void 90 days following the installation and completion of the sewage transfer line coming from New Milford Borough, New Milford, Pennsylvania to the Hallstead-Great Bend Joint Sewer Authority, Great Bend, Pennsylvania.

ENACTED AND ORDAINED into an ordinance this 6th day of January, 2003, A.D., by the Board of Supervisors of the Township of Great Bend of Susquehanna County, in Lawful Session duly assembled.

ATTESTED:

Beverly Sheldon
Beverly Sheldon, Sec.-Treas.

THE BOARD OF SUPERVISORS
GREAT BEND TOWNSHIP

Robert M. Squier
Robert M. Squier, Chairman

James E. Banko II
James E. Banko II, Vice-Chairman

George R. Haskins
George R. Haskins, Supervisor

CERTIFICATE OF ADOPTION

I hereby certify the foregoing to be an exact copy of an ordinance adopted by the Supervisors of Great Bend Township, Susquehanna County, Pennsylvania, at a regular meeting of the Board on January 6, 2003.

Beverly Sheldon
Beverly Sheldon, Sec.-Treas.