

**ORDINANCE # 1-5-2017**  
**Retaining Tank Ordinance**

BE IT ENACTED AND ORDAINED by the Township of Jessup, of Susquehanna County, Pennsylvania, and it is hereby enacted and ordained as follows:

**SECTION 1. PURPOSE.** 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 inhabitants of this municipality.

- A. As to any residential or commercial property, a retaining tank is a temporary solution to sewage disposal where an existing system has failed and will be permitted only when no other means of disposal is currently available and when an existing system fails and undue hardship would result from ordering the cessation of the production of sewage. In no case will a retaining tank be construed as an alternative to conventional in-ground, individual or community sewage systems or to a sewage treatment system. A retaining tank will not be approved for any new construction where no alternative sewage disposal system is available, except as allowed in the Pennsylvania Code, Title 25 §71.63.

**SECTION 2. DEFINITIONS.** All definitions shall mean as defined in the Pennsylvania Code Title 25 Environmental Resources, Chapters 71, 72, and 73, including the following, unless the context specifically and clearly indicates otherwise.

- A. "MUNICIPALITY" shall mean Jessup Township, Susquehanna County, Pennsylvania, its Board of Supervisors, their designated officials or authorized agents.
- B. "OWNER" shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Municipality.
- C. "IMPROVED PROPERTY" shall mean any property within the Municipality upon which there is erected a structure intended for continuous or periodic habitation, occupation or use by human beings or animals and from which structure sewage shall or may be discharged.
- D. "USE CHANGE" shall mean any change of use from the original use to any other use.
- E. "AUTHROIZED AGENT" shall mean a certified sewage enforcement officer, professional engineer or sanitarian, plumbing inspector, soils scientist or any other qualified or licensed person who is authorized by the Board of Supervisors of the Municipality to carry out the provisions of this ordinance.

- F. "PERSON" shall mean any individual, association, partnership, public or private corporation for profit or not-for-profit, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district, authority or any other legal entity whatsoever is recognized by law as the subject of rights and duties. Whenever the term person is used in connection with any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term person shall include the members of an association, partnership or firm and the officers of any local agency or municipality, public or private corporation for profit or not-for-profit.
- G. "HOLDING TANK" shall mean a watertight tank, 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.
- H. "SEWAGE" shall mean a substance that contains any of the waste products or excrement or other discharge from the bodies of humans or animals; a substance harmful to the public health, to animal or aquatic life, or to the use of water for domestic water supply or for recreation.

**SECTION 3. RIGHTS AND PRIVILEGES GRANTED.** The Municipality is hereby authorized and empowered to undertake the control and methods of retaining tank use, sewage disposal, and sewage collection and transportation thereof.

**SECTION 4. RULES AND REGULATIONS.** The Municipality 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 purpose herein.

**SECTION 5. RULES AND REGULATIONS TO BE IN CONFORMITY WITH APPLICABLE LAWS.** All rules and regulations adopted by the Municipality shall be in conformity with the provisions herein, all other Ordinances of the Municipality, all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

**SECTION 6. RATES AND CHARGES.** The Municipality 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. An annual inspection of the holding tank will be performed by the Municipality. The fee for the annual inspection will be billed to the owner at the current annual sewage enforcement officer hourly rate.

**SECTION 7. EXCLUSIVENESS OR 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

Municipality, and the disposal thereof shall be made at such site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.

- B. The Municipality will receive, review, and retain pumping receipts from permitted retaining tanks.

**SECTION 8. DUTIES OF IMPROVED PROPERTY OWNERS.** 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 the Municipality, the provisions of any applicable law, and the rules and regulations of any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit only the Municipality or its agent to inspect retaining tanks on an annual basis.
- C. Prior to obtaining a holding tank permit provide the Municipality with a Maintenance Agreement approved by the Municipality.

**SECTION 9. VIOLATIONS.** Any person who violates any provision of Section 4 shall upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than Three Hundred (\$300.00) Dollars and not more than Five Hundred (\$500.00) Dollars, plus all costs of prosecutions, and in default of said fine and costs to undergo imprisonment in the County Prison for a period not in excess of Thirty (30) days.

**SECTION 10. REVOCATION OF PERMITS.** Permits may be revoked by the Municipality at any time for one or more of the following reasons:

- A. When the use of the retaining tank changes from the original use to another use without first obtaining a new permit.
- B. When the cost of enforcement is higher than the amount set aside in the escrow account.
- C. When the permittee has violated the Sewage Facilities Act, this part, or the requirements of the permit.
- D. When the Owner has not paid the annual inspection fee within 60 days of receipt of the invoice.

**SECTION 11. ABATEMENT OF NUISANCE.** 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 by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

**SECTION 12. REPEAL.** All Ordinances or Resolutions or parts of Ordinances or Resolutions, insofar as they are inconsistent here, be and the same repealed.

SECTION 13. 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 Governing Board of this Municipality, that this Ordinance would have been adopted has such unconstitutional, illegal or invalid sentence, clause or part thereof not been included therein.

SECTION 14. EFFECTIVE DATE. This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED into an Ordinance this 3<sup>rd</sup> day of May 2017 by the Board of Supervisors of Jessup Township of Susquehanna County, Pennsylvania, in lawful session duly assembled.

JESSUP TOWNSHIP

By: Bruce Shreffler  
Supervisor

By: William Smith  
Supervisor

ATTEST:

James Burnell  
Township Secretary