

ORDINANCE NO 1-11

**CLIFFORD TOWNSHIP
SUSQUEHANNA COUNTY, PENNSYLVANIA
INDUSTRIAL HOLDING TANK ORDINANCE**

An Ordinance of Clifford Township seeking to provide for the use and regulation of temporary holding tanks at industrial sites within the Township of Clifford, and imposing fines and penalties for the violation of the enactments.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Clifford, County of Susquehanna and of the Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of the same, as follows:

INDUSTRIAL TEMPORARY HOLDING TANK ORDINANCE

ARTICLE I: PURPOSE AND AUTHORITY

SECTION 1.1 THE PURPOSE AND INTENT OF THIS ORDINANCE

Is to provide for and regulate the use and maintenance of the temporary holding tanks; to protect the residents and inhabitants of the Township of Clifford from danger of a public health hazard or otherwise unsanitary condition caused by or arising from the use of inadequate or faulty sewage holding containers and to regulate the use and maintenance of temporary holding tanks in conformity with is law, statutes and regulations of the Commonwealth of the Pennsylvania.

SECTION 1.2 THIS ORDINANCE IS WRITTEN, ENACTED, ADOPTED, AND ENFORCED

by the authority granted under Article VII, Section 702, Paragraph XLI and XLII, of the second Class Township Code of the Commonwealth of Pennsylvania

ARTICLE II: DEFINITIONS

SECTION 2.1 AUTHORITY

Shall mean the Supervisors of Clifford Township Susquehanna County Pennsylvania.

SECTION 2.2 CHEMICAL TOILET

Shall mean a permanent or portable non-flushing toilet using chemical treatment in the retaining tank or odor control.

SECTION 2.3 COMPOSTING TOILET

Shall mean any 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.

SECTION 2.4 DISPOSAL SITE

Shall mean a suitable facility for the final disposal of human sewage which facility shall have been and remains approved for such purposes by the Department of Environmental Resources or its successor state agency

SECTION 2.5 TEMPORARY HOLDING TANK

Shall mean a watertight receptacle which temporarily receives and retains sewage by water carrying system and is designed and constructed to prevent leakage of the sewage and to facilitate ultimate disposal of the sewage at another site.

SECTION 2.6 TEMPORARY HOLDING TANK CLEANER

The landowner, person natural or legal entity, holding tank owner or proprietor, who removes the contents of a holding tank for purpose of disposing the sewage at an approved legal site.

SECTION 2.7 INDUSTRIAL PROPERTY

Shall mean any property within the Township upon which there is erected a temporary structure intended for periodic habitation, occupancy or use by human beings and from which structure sewage shall be discharged.

SECTION 2.8 OWNER

Shall mean the natural persons, partnership, corporation lessee, lessor or legally existing organization, who owns legal and equitable title to the temporary structures or land for which a temporary holding tank permit is sought or issued.

SECTION 2.9 PERSON

Shall mean any individual, partnership, company, association, corporation or other group or entity

SECTION 2.10 OFFICER

Shall mean the duly appointed Sewage Enforcement Officer of Clifford Township, Susquehanna County, Pennsylvania.

SECTION 2.11 INSPECTOR

Shall mean the Sewage Enforcement Officer, a member of the Board or any person duly appointed by the Board.

SECTION 2.12 PERMIT

Shall mean the document issued to the landowner which authorizes the landowner to install, use and maintain a holding tank as provided for by this ordinance, for a period, not to exceed eighteen months. At which time a new permit or extension will be required.

SECTION 2.13

Shall mean a tank designed to receive sewage where water under pressure is not available.

SECTION 2.14 RECYCLING TOILET

Shall mean a device in which the flushing medium is restored to a condition suitable for reuse in flushing.

SECTION 2.15 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 toilet.

SECTION 2.16 SEWAGE

Shall mean any substance that contains any of the waste products or excrement or other discharge from the bodies of human being 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).

ARTICLE III: RIGHT AND PRIVELEGES

That the Authority is hereby authorized and empowered to undertake within the Township the control and methods of privy use, sewage disposal and sewage collection and transportation thereof.

ARTICLE IV: RULES AND REGULATION

The Authority 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.

ARTICLE V: RULES AND REGUALOTIONS TO BE IN CONFORMITY WITH APPLICABLE LAW

All such rules and regulations adopted by the Authority shall be in conformity with the provisions herein, all other Ordinances of Clifford Township, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

ARTICLE VI: RATES AND CHARGES

The Authority 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.

ARTICLE VII: EXCLUSIVENESS OF RIGHTS AND PRIVELEGES

SECTION 7.1 COLLECTION AND TRANSPORATION

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 Authority, 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.

SECTION 7.2 PUMPING RECEIPTS

The Authority will receive, review and retain pumping receipts from permitted retaining tanks.

SECTION 7.3 INSPECTION

The Authority will complete annual inspections for each permitted tank.

ARTICLE VIII: DUITES OF OWNER

The owner of an industrial property that utilizes a retaining tank:

SECTION 8.1 CONFORMITY OF APPLICABLE LAW

Shall maintain the retaining tank in conformance with this or any Ordinance of Clifford Township, the provisions of any applicable law, and the rules and regulations of the Authority and any administrative agency of the Commonwealth of Pennsylvania.

SECTION 8.2 INSPECTION

Shall permit the Authority or its agent to inspect retaining tanks on an annual basis.

SECTION 8.3 COLLECTION AND TRANSPORT

Shall permit only the Authority or its approved agent to collect, transport, and dispose of the contents of the retaining tank.

ARTICLE IX VIOLATIONS

Any person who violates, or permits violation of, any provisions of Section 8 shall be liable for a civil fine of up to \$1,000.00 as well as a payment of all Court costs and reasonable attorneys fees incurred by the Municipality.

ARTICLE X: 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 AUTHORITY BE EITHER SEEKING MITIGATION OF THE NUISANCE OR APPROPRIATE EQUITABLE OR LEGAL RELIEF FROM A COURT OF COMPETENT JURISDICTION.

ARTICLE XI: REPEAL

All Ordinances or resolutions, insofar as they are inconsistent herewith, be and the same are hereby repealed.

ARTICLE XII: 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 Board of Supervisors of Clifford Township, that this Ordinance would have been adopted had such constitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

ARTICLE XIII: EFFECTIVE DATE

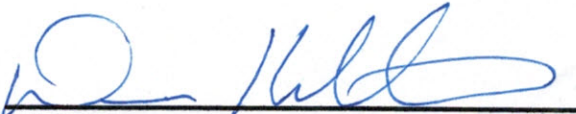
This Ordinance shall become effective in the shortest time allowed by law.

DULY ENACTED AND ORDAINED this 11 day of April, 2011,

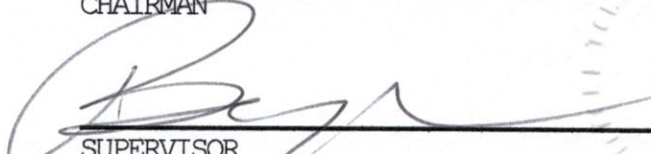
by the Board of Supervisors in lawful session duly assembled.

TOWNSHIP OF CLIFFORD

By:



CHAIRMAN



SUPERVISOR



SUPERVISOR