

RETAINING TANK ORDINANCE

2007-4

BE IT ENACTED AND ORDAINED by the Supervisors of Wilmington Township of Mercer 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 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.

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

- A. "Authority" shall mean Supervisors of Wilmington Township, Mercer County, Pennsylvania.
- B. "Chemical toilet" shall mean a permanent or portable nonflushing 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 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.
- F. "Incinerating toilet" shall mean a device capable of reducing waste materials to ashes.
- G. "Municipality" shall mean Wilmington Township, Mercer County, Pennsylvania.
- H. "Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the 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 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.

Section 4. Rules and Regulations. 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.

Section 5. Rules and Regulations 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 the Township, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

Section 6. 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.

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 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.

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

C. The Authority 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 this Township, the provisions of any applicable law, and the rules and regulations of the Authority and any administrative agency of the Commonwealth of Pennsylvania.

B. Permit the Authority or its agent to inspect retaining tanks on an annual basis.

C. Permit only the Authority 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 violation 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 the Municipality.

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 Authority 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 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 the Township, that this Ordinance would have been adopted had such constitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

Section 13. Effective Date. This Ordinance shall become effective in the shortest time allowed by law.

ENACTED AND ORDAINED into an Ordinance this 12th day of September, 2007, by the Supervisors of Wilmington Township of Mercer County in Lawful Session duly assembled.

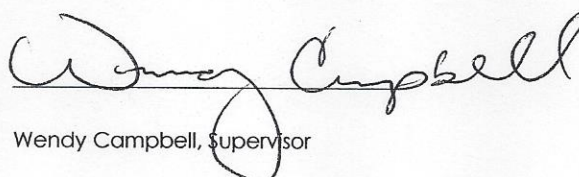
SUPERVISORS OF THE TOWNSHIP OF WILMINGTON, MERCER COUNTY



Timothy J. Coulter, Chairman



Richard A. Wilson, Vice Chairman



Wendy Campbell, Supervisor

