

ORDINANCE NO. 96

BE IT ENACTED AND ORDAINED BY the Borough of Millville, of Columbia 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 holding 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 Borough.

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

A. "Holding Tank" means a watertight receptacle which receives and retains and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Holding tanks include but are not limited to the following:

1. "Chemical Toilet" which is a toilet using chemicals that discharge to a holding tank.
2. "Retention Tank" which is a holding tank where sewage is conveyed to it by a water carrying system.
3. "Vault Pit Privy" which is a holding tank designed to receive sewage where water under pressure is not available.

B. "Improved Property" shall mean any property within the Borough 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.

C. "Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in this Borough.

D. "Person" shall mean any individual, partnership, company, association, corporation or other group or entity.

E. "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 or for recreation.

F. "Borough" shall mean Millville Borough, Columbia

County, Pennsylvania.

Section 3. Rights and privileges granted. That the Borough does acknowledge its authority and power to undertake within the Borough the control and methods of holding tank sewage disposal and the collection and transportation thereof.

Section 4. Rules and Regulations. That the Borough does acknowledge its authority and power 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 Borough shall be in conformity with the provisions herein, all other Ordinances of the Borough, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

Section 6. Rates and Charges. The Borough 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 law.

Section 7. Exclusiveness of Rights and Privileges. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the Borough, and the disposal be made only at such site or sites as may be approved by the Department of Environmental Resources of the Commonwealth of Pennsylvania.

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

- (a) Maintain the holding tank in conformance with this Ordinance of this Borough, the provisions of any applicable law, and the rules and regulations of the Borough and any agency of the Commonwealth of Pennsylvania.
- (b) Permit only the Borough or anyone acting under the direction of the Borough to collect, transport, and dispose of the contents therein.
- (c) The property owner shall pay to the Borough a fee set by the Borough to cover the costs of administering this Ordinance and the supervision of the holding tank.
- (d) The property owner shall permit Borough Officials to inspect the holding tank at reasonable times and shall furnish to the Secretary of the Borough copies of hauling receipts.

Section 9. Temporary Nature. All holding tank permits issued pursuant to this Ordinance shall be temporary in nature and when a private or public sewage treatment facility is available for the disposal of sewage generated by the owner of an property, the holding tank permit shall become null and void and the holder of the permit shall be required to hook onto the public or private sewage disposal system.

Section 10. 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 more than \$300.00 and costs, and in default of said fine and

costs to undergo imprisonment in the Columbia County Prison for a period not in excess of thirty (30) days.

Section 11. Abatement of Nuisances. In addition other remedies provided in this Ordinance, any violation of Section 8 above shall constitute a nuisance and may be abated by Borough by seeking 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 herewith, be and the same are hereby 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 Board of Supervisors of the Borough, that this Ordinance would have been adopted had such constitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

Section 14. Effective Date. This Ordinance shall become effective upon enactment.

ENACTED AND ORDAINED into an Ordinance this 5th day of May, 1986 by the Board of Supervisors of the Borough of Millville in lawful session duly assembled.

PRESIDENT OF COUNCIL OF
THE BOROUGH OF MILLVILLE

Millard C. Ludwig

ATTEST:

Minda Swartz
Secretary

APPROVED BY THE MAYOR

Jon Rider

