

BOROUGH OF MILLVILLE  
COLUMBIA COUNTY, PENNSYLVANIA

ORDINANCE NO. 103

AN ORDINANCE PROVIDING FOR THE USE AND MAINTENANCE OF HOLDING  
TANKS AND REPEALING ORDINANCE NO. 96, ENACTED MAY 5, 1986.

BE IT ENACTED AND ORDAINED by the Council of the Borough of Millville as follows:

1. Purpose: The purpose of this Ordinance is to establish procedures for the use and maintenance of existing and new 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 residents of this municipality.

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

a. "Authority" shall mean the members of Council of the Borough of Millville, Columbia 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 municipality 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 municipality;

e. "Person" shall mean any individual, corporation, partnership, association, or other group or entity;

f. "Sewage" shall mean any substance containing any of the waste products, 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, to animal or aquatic life, or to the use of water for domestic water supply or for recreation;

g. "Municipality" shall mean the Borough of Millville, Columbia County, Pennsylvania.

3. Powers and Privileges Granted: The Authority is hereby authorized and empowered to undertake within the municipality the control and methods of holding tank use, sewage disposal, sewage collection and transportation thereof.

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 of this Ordinance. All such rules and regulations shall be in conformity with the provisions hereof, all other Ordinances of the Borough of Millville, all applicable laws of the Commonwealth of Pennsylvania, and all applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

5. 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.

6. Exclusiveness of Rights and Privileges:

a. 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 Authority and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Resources of the Commonwealth of Pennsylvania;

b. The Authority, or its authorized designee, shall receive, review and retain pumping receipts from permitted holding tanks;

c. The Authority, or its authorized designee, shall perform an annual inspection of each permitted holding tank and shall complete and retain annual inspection reports for each permitted holding tank.

7. Duties of Improved Property Owner: The owner of any improved property utilizing a holding tank shall:

a. Maintain the holding tank in conformance with this Ordinance, the provisions of any applicable law, the rules and regulations of the Authority, and the rules and regulations of any administrative agency of the Commonwealth of Pennsylvania;

b. Permit only the Authority, or its authorized designee, to inspect the holding tank on at least an annual basis;

c. Permit only the Authority, or its authorized designee, to collect, transport, and dispose of the contents of the holding tank.

8. Violations: Any person who violates any provision of Section 7 hereof shall, upon conviction of said violation by summary proceedings, be sentenced to pay a fine of not less than One Hundred Dollars (\$100) and not more than Three Hundred Dollars (\$300), plus court costs, and in default of said fine and costs, to undergo imprisonment in the Columbia County Prison for a period of not more than thirty (30) days.

9. Abatement of Nuisances: In addition to any other remedies provided in this Ordinance, any violation of Section 7 hereof shall constitute a nuisance which may be abated by the Authority or the municipality by seeking mitigation of the nuisance or appropriate legal or equitable relief from a court of competent jurisdiction.

10. Repealer: Ordinance No. 96, enacted May 5, 1986, is hereby repealed and all other ordinances, resolutions, or parts thereof, insofar as they are inconsistent with the provisions of this Ordinance, are hereby repealed.

11. Severability: If any section, part, sentence, or clause 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, sections, parts, sentences, or clauses of this Ordinance.

12. Effective Date: This Ordinance shall become effective five (5) days after its adoption.

ENACTED this 18 day of September, 1990.

ATTEST:    BOROUGH OF MILLVILLE:

Harry Martenas       M. C. Ludwig  
Secretary      President of Council

APPROVED this 18 day of September , 1990.

ATTEST:    BOROUGH OF MILLVILLE:

Harry Martenas       Jerre W. Wright  
Secretary      Mayor

