

ORDINANCE NO. 39, 1975

AN ORDINANCE OF THE TOWNSHIP OF TILDEN, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING THE PROCEDURES FOR THE USE AND MAINTENANCE OF HOLDING TANKS FOR SEWAGE FOR A PROPERTY SITUATED WITHIN THE TOWNSHIP OF TILDEN AND IMPOSING DUTIES AND CONFERRING POWERS FOR THE IMPLEMENTATION OF THE SAME AND FOR PROVIDING CERTAIN PENALTIES FOR ANY VIOLATION THEREOF.

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BE IT ENACTED AND ORDAINED by the Township of Tilden, of Berks 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 Township.

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

A. "HOLDING TANK" means a watertight receptacle which receives and retains sewage 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 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.

C. "OWNER" shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

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 imical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation.

F. "SEWAGE ENFORCEMENT OFFICER" shall mean that officer appointed by the Township and certified by the Department of Environmental Resources of the Commonwealth of Pennsylvania who is responsible for enforcing all sewage laws and Ordinances of the Township.

G. "TOWNSHIP" shall mean Tilden Township, Berks County, Pennsylvania.

SECTION 3. RIGHTS AND PRIVILEGES GRANTED. That the Sewage Enforcement Officer is hereby authorized and empowered to undertake within the Township the control and methods of holding tank sewage disposal and the collection and transportation thereof, and shall see to the enforcement of all laws, Ordinances and regulations whether they be of the Township or the Commonwealth of Pennsylvania insofar as the use of holding tanks is concerned.

SECTION 4. RULES AND REGULATIONS. That the Township may 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 Township 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 Township 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. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be solely by or under the direction and control of the Sewage Enforcement Officer, 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, and in accordance with their rules and regulations.

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 or any Ordinance of the Township, the provisions of any applicable law, and the rules and regulations of the Township, or administrative agency of the Commonwealth of Pennsylvania.

(b) Permit only the individual or entity approved by the Sewage Enforcement Officer to collect, transport, and dispose of the contents therein.

SECTION 9. 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 \$200.00 and costs, and in default of said fine and costs, to undergo imprisonment in the Berks County Prison for a period not in excess of 30 days.

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 may be abated by the municipality or the Sewage Enforcement Officer by either seeking 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 unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 13. EFFECTIVE DATE. This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED into an Ordinance this 2<sup>nd</sup> day of September, 1975, by the Board of Supervisors of the Township of Tilden in lawful session duly assembled.

BOARD OF SUPERVISORS OF THE TOWNSHIP  
OF TILDEN

Vernon A. Peppert  
George B. Brown