

ORDINANCE NO. 11 - 1973

AN ORDINANCE OF THE TOWNSHIP OF UPPER BERN,
BERN COUNTY, PENNSYLVANIA, REGULATING
HOLDING TANKS.

BE IT ENACTED AND ORDAINED by the Board of Supervisors
of the Township of Upper Bern, and it is hereby ENACTED AND
ORDAINED by authority of the same:

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 pro-
tection, benefit and preservation of the health, safety and
welfare of the inhabitants of this Township.

SECTION 2. DEFINITIONS. Unless the context specifi-
cally 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 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) "Township" shall mean Township of Upper Merion, Berks County, Pennsylvania.

SECTION 3. RIGHTS AND PRIVILEGES GRANTED. That the Township is hereby empowered to undertake within the township the control and methods of holding tank sewage disposal and the collection and transportation thereof.

SECTION 4. RULES AND REGULATIONS. That the Township may adopt such rules and regulations concerning sewage which it might 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 done solely by or under the direction and control of the Township, 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.

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 this Township, the provisions of any applicable law, and any administrative agency or the Commonwealth of Pennsylvania.

(B) Permit only the Township or anyone acting under the direction of the Township 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 in summary proceedings, be sentenced to pay a fine of not more than THREE HUNDRED (\$300.00) DOLLARS 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 thirty (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 Township or seeking appropriate equitable or legal relief from a court of competent jurisdiction.

SECTION 11. REPEAL. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar, but only insofar, as they are inconsistent herewith.

SECTION 12. SEVERABILITY. If any section, paragraph, sentence, clause or other part of this Ordinance should for any reason be invalid, illegal, or unconstitutional, such invalidity, illegality, or unconstitutionality shall not affect the remaining

parts or portions of this Ordinance. It is hereby declared that the Board of Supervisors of the Township of Upper Bern would have enacted the remaining provisions of said Ordinance as if such invalid, illegal or unconstitutional section, paragraph, sentence, clause or other part had not been included therein.

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

ADOPTED this _____ day of _____, 1973.

TOWNSHIP OF UPPER BERN

BOARD OF SUPERVISORS

Walter L. Fitch

Gordon H. Berger

Harvey J. King