

*Original Copy*

**HOLDING TANKS ORDINANCE  
MIFFLIN TOWNSHIP, DAUPHIN COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE TOWNSHIP MIFFLIN PERTAINING  
TO THE USE AND MAINTENANCE OF HOLDING TANKS

WHEREAS, Mifflin Township is desirous of establishing procedures for the use and maintenance of holding tanks in the Township.

NOW THEREFORE, BE IT ENACTED AND ORDAINED this 12<sup>th</sup> day of February, 2008, as follows:

**Section 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 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:

**BOARD OF SUPERVISORS** - Supervisors of Mifflin Township, Dauphin County, Pennsylvania

**HOLDING TANK** - 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.

**IMPROVED PROPERTY** - 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.

MUNICIPALITY OR TOWNSHIP - Mifflin Township, Dauphin County, Pennsylvania

OWNER - any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

PERSON - any individual, partnership, company, association, corporation or other group or entity.

SEWAGE - 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

### **Section 3. Right and Privileges Granted**

That the Board of Supervisors is hereby authorized and empowered to undertake and establish the control and methods of holding tank use, sewage disposal and sewage collection and transportation thereof within the Township.

### **Section 4. Rules and Regulations**

That the Board of Supervisors 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 Board of Supervisors 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 Board of Supervisors 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 laws.



## **Section 7. Exclusiveness of Rights and Privileges**

1. 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 Board of Supervisors or its agent 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.

2. The Board of Supervisors, or its agent will receive, review and retain pumping receipts from permitted holding tanks.

3. The Board of Supervisors or its agent 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 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 the rules and regulations of the Authority and any administrative agency of the Commonwealth of Pennsylvania

B. Permit the Board of Supervisors or its agent to control the collection, transportation and disposal of the contents therein.

## **Section 9. Violations**

Any person, firm or corporation who shall violate any provision of this Ordinance, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Ordinance continues or each Section of this Ordinance which shall be found to have been violated shall constitute a separate offense.

## **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 Township or the authority by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

**Section 11. Effective Date**

This ordinance shall become effective five (5) days after its adoption and shall continue on a calendar year basis, thereafter, without annual reenactment.

ORDAINED AND ENACTED into law this 12<sup>th</sup> day of February 2008.

BOARD OF SUPERVISORS OF  
MIFFLIN TOWNSHIP

Attest:

Darlene D. Straub  
Secretary

By: Paul M. Reef  
Chairman