

TOWNSHIP OF CASCADE

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ORDINANCE No. 18

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AN ORDINANCE OF THE TOWNSHIP OF CASCADE,  
LYCOMING COUNTY, PENNSYLVANIA ESTABLISHING  
PROCEDURES FOR THE USE AND MAINTENANCE OF  
EXISTING AND NEW HOLDING TANKS.

BE IT ENACTED AND ORDAINED by the Supervisors of Cascade Township, Lycoming County, Pennsylvania ("Township") and it is hereby ENACTED and ORDAINED by the authority of the same as follows:

SECTION I: AUTHORITY: This Ordinance is enacted pursuant to the Second Class Township Code §1601.

SECTION II: 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 municipality.

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

A. "Authority" shall mean the Supervisors of Cascade Township, Lycoming County, Pennsylvania.

B. "Holding Tank" means 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 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.

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

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

F. "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.

G. "Township" shall mean Cascade Township, Lycoming County, Pennsylvania.

SECTION IV: RIGHTS AND PRIVILEGES GRANTED: That the Authority is hereby authorized and empowered to undertake within the Township the control and methods of Holding Tank use, Sewage disposal, Sewage collection and transportation thereof.

SECTION V: RULES AND REGULATIONS: That 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 affect the purposes herein.

SECTION VI: RULES AND REGULATIONS TO BE IN CONFORMITY WITH APPLICABLE LAW: All such rules and regulations adopted by the Authority 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 VII: 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.



SECTION VIII: 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 will receive, review and retain pumping receipts from permitted Holding Tanks.

C. The Authority will complete and retain annual inspection reports for each permitted Holding Tank.

SECTION IX: DUTIES OF IMPROVED PROPERTY OWNER: The Owner or 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 only the Authority or its agent to inspect Holding Tanks on an annual basis.

C. Permit only the Authority or its agent to collect, transport, and dispose of the contents therein.

SECTION X: VIOLATIONS: Any person who violates any provisions of Section IX shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than One Hundred and 00/100 Dollars (\$100.00) and not more than One Thousand and 00/100 Dollars (\$1,000.00), and in default of said fine and costs to undergo imprisonment in the County Prison for a period not in excess of thirty (30) days.

SECTION XI: ABATEMENT OF NUISANCES: In addition to any other remedies provided in this Ordinance, any violation of Section IX above shall constitute a nuisance and shall be abated by the municipality or the Authority by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

SECTION XII: 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 XIII: 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 nor impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared to be the intent of the Cascade Township Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

SECTION XIV: EFFECTIVE DATE: This Ordinance shall become effective five (5) days after the adoption hereof.

ENACTED and ORDAINED this 7<sup>th</sup> day of September, 2004.

ATTEST:

Karin L. Colucci  
Secretary

CASCADE TOWNSHIP SUPERVISORS

James L. Brown  
Supervisor

Jerry Lockman  
Supervisor

Matthew R. Alexander  
Supervisor