

**BOROUGH OF ST. CLAIR
SCHUYLKILL COUNTY, PENNSYLVANIA**

ORDINANCE NO. 4131

**AN ORDINANCE OF THE BOROUGH OF ST. CLAIR,
SCHUYLKILL COUNTY, PENNSYLVANIA, ESTABLISHING
PROCEDURES FOR THE USE AND MAINTENANCE OF
EXISTING AND NEW HOLDING TANKS DESIGNED TO
RECEIVE AND RETAIN SEWAGE WHETHER FROM
RESIDENTIAL OR COMMERCIAL USES.**

The Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania (the "Borough"), hereby enacts and ordains as follows:

WHEREAS, Section 1201 of the Borough Code, 53 P.S. §46201, entitled "General Powers", authorizes the Borough to make and adopt ordinances necessary for the proper management, care and control of the Borough, and the maintenance of the health and welfare of the Borough and its citizens; and

WHEREAS, Section 1202 of the Borough Code, found at 53 P.S. §46202, entitled "Specific Powers", authorizes the Borough to adopt ordinances to secure the safety of persons or property within the Borough; and

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY the Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania, in accordance with the general powers permitted by the Borough Code (53 P.S. §46201, et seq.) and the statutes noted above, as follows:

Section 101. Title.

This Ordinance shall be known as the "St. Clair Borough Holding Tank Ordinance".

Section 102. Citation.

This Ordinance may be cited as the “St. Clair Borough Holding Tank Ordinance”.

Section 103. Purposes.

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. 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 104. Definitions.

- A. “Borough” shall mean the Borough of St. Clair, Schuylkill County, Pennsylvania.
- B. “Borough Council” shall mean the duly elected members of the St. Clair Borough Council together with the duly elected Mayor in his capacity to break a tie vote of Borough Council and also in his capacity to approve any ordinances adopted by the members of Borough Council.
- C. “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.
- D. “Improved Property” shall mean any property within the Borough upon which there is erected a structure intended for continuous or period habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.
- E. “Owner” shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Borough.

F. “Person” shall mean any individual, partnership, company, association, corporation or other group or entity.

G. “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 or any substance which constitutes pollution under the Clean Stream Law (35 PS §§ 691.1-691.1001).

Section 105. Rights and Privileges Granted.

Borough Council is hereby authorized and empowered to undertake within the Borough the control and methods of holding tank use, sewage disposal and sewage collection and transportation thereof.

Section 106. Rules and Regulations.

Borough Council 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. Said rules and regulations shall be adopted by Resolution rather than Ordinance.

Section 107. Rules and Regulations to be in Conformity with Applicable Law.

All such rules and regulations adopted by the Borough Council shall be in conformity with the provisions herein, all other ordinances of the Borough and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

Section 108. Rates and Charges.

The Borough Council 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. Said rates, assessments and other charges shall be adopted by Resolution rather than Ordinance.

Section 109. Exclusiveness of Rights and Privileges.

Section 109.1. 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 Borough Council, 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.

Section 109.2. The Borough Council will receive, review and retain pumping receipts from permitted holding tanks.

Section 109.3. The Borough Council will complete and retain annual inspection reports for each permitted holding tank.

Section 110. 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 Borough, the provisions of any applicable law, and the rules and regulations of the Borough and any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit only the Borough or its agent to inspect holding tanks on an annual basis.
- C. Permit only the Borough or its agent to collect, transport, and dispose of the contents therein.

Section 111. Violations.

Any person who violates any provisions of this Ordinance shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than Three Hundred (\$300.00) Dollars and not more than One Thousand (\$1,000.00) Dollars and, in default of said fine and costs, or undergo imprisonment in the county prison for a period not in excess of 90 days.

Section 112. Abatement of Nuisances.

In addition to any other remedies provided in this Ordinance, any violation of this Ordinance shall constitute a nuisance and shall be abated by the Borough by either seeking mitigation of the nuisance or appropriate equitable or legal relief from the Court of Common Pleas.

Section 113. Repealer/Savings.

The provisions of any prior ordinance which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency. Nothing contained in this Ordinance shall be construed to affect any suit or proceeding in any court, or any rights acquired or liability incurred, or any cause of action existing prior the enactment of this Ordinance.

Section 114. Severability.


The provisions of this Ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect, impair or invalidate any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of Borough Council that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

Section 115. Effective Date.

This Ordinance shall become effective five (5) days after its adoption.

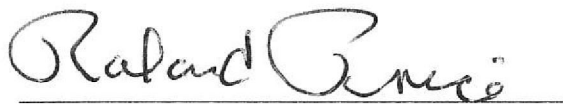
DULY ENACTED AND ORDAINED by Borough Council of the Borough of St. Clair,
Schuylkill County, Pennsylvania, this 7th day of November, 2019, in lawful
session duly assembled.

ST. CLAIR BOROUGH



WILLIAM M. DEMPSEY
Council President

ATTEST:



ROLAND PRICE, JR.
Borough Secretary

Approved by me this 7th day of November, 2019.



RICHARD E. TOMKO
Mayor

IN RE: AN ORDINANCE OF THE BOROUGH OF ST. CLAIR, SCHUYLKILL COUNTY, PENNSYLVANIA, ESTABLISHING PROCEDURES FOR THE USE AND MAINTENANCE OF EXISTING AND NEW HOLDING TANKS DESIGNED TO RECEIVE AND RETAIN SEWAGE WHETHER FROM RESIDENTIAL OR COMMERCIAL USES.

CERTIFICATION

I hereby certify that the within Ordinance is a true and correct copy of an Ordinance enacted by Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania, on the 7th day of November, 2019.

SEAL



Roland Price, Jr., Secretary
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St. Clair, PA 17970
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