

## **CHAPTER 22**

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## CHAPTER 22

### SEWER AND WATER

#### Part 1

#### Holding Tanks

**§101. Purpose.** The purpose of this Part 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 declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Borough. (Ord. No. 1976-2, 3/10/76, Sec. 1)

Editorial Note: Section 11 of Ord. No. 1976-2 repealed all inconsistent ordinances or resolutions or parts of ordinances or resolutions; Section 12 contained severability provisions similar to those in Section 1-1005; Section 13 provided that the ordinance become effective five days after its adoption.

**§102. Definitions.** Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Part 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 – means a toilet using chemicals that discharge to a holding tank.

(2) Retention tank – means a holding tank where sewage is conveyed to it by a water-carrying system.

(3) Vault pit privy – means a holding tank designed to receive sewage where water under pressure is not available.

(b) Improved property – means any property within the Borough 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) Sewage – means 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.

(Ord. No. 1976-2, 3/10/76, Sec. 2)

**§103. Rights and Privileges Granted.** Council is authorized and empowered to undertake within the Borough the control and methods of holding tank sewage disposal and the collection and transportation of it. (Ord. No. 1976-2, 3/10/76, Sec. 3)

**§104. Rules and Regulations.** Council is authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes set out in Section 101. (Ord. No. 1976-2, 3/10/76, Sec. 4)

**§105. Rules and Regulations to be in Conformity with Applicable Laws, Ordinances, Rules and Regulations.** All such rules and regulations adopted by the Council shall be in conformity with the provisions of this Part, all other ordinances of the borough, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania. (Ord. No. 1976-2, 3/10/76 Sec. 5)

**§106. Rates and Charges.** 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. (Ord. No. 1976-2, 3/10/76, Sec. 6)

**§107. Exclusiveness of Rights and Privileges.** The collection and transportations of all sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the Council, and the disposal of that sewage shall be made only at a site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania. (Ord. No. 1976-2, 3/10/76, Sec. 7)

**§108. Duties of Owners of Improved Property.** The owner of an improved property that utilizes a holding tank shall:

(a) Maintain the holding tank in conformance with this Part and any applicable ordinance of this Borough, the provisions of any applicable law, and the rules and regulations of Council and any administrative agency of the Commonwealth of Pennsylvania.

(b) Permit only Council or its agent to collect, transport and dispose of the contents of the holding tank.

(Ord. No. 1976-2, 3/10/76, Sec. 8)

**§109. Abatement of Nuisances.** In addition to any other remedies provided in this article, any violation of Section 108 shall constitute a nuisance and shall be abated by the Borough by either seeking appropriate equitable or legal relief from a court of competent jurisdiction. (Ord. No. 1976-2, 3/10/76, Sec. 10)

**§110. Penalty for Violation.** Any person who violates any provision of Section 108 shall, upon conviction, be sentenced to pay a fine of not less than One Hundred (\$100) Dollars and not more than Three Hundred (\$300) Dollars and costs, and in default of payment of fine and costs to undergo imprisonment for a period not in excess of 30 days. Each day that a violation continues shall be deemed a separate offense. (Ord. No. 1976-2, 3/10/76, Sec. 9)

**Part 2**  
**Dissolution of Sewer and Water**

**§201. Preamble.**

WHEREAS, the White Haven Municipal Authority, White Haven Borough and Dennison Township entered into a Sewage Agreement dated February 9, 1994; and

WHEREAS, the White Haven Municipal Authority has since sold the White Haven Sewage Collection System and Sewage Treatment Plant to Little Washington Wastewater Company d/b/a Suburban Wastewater Company, hereinafter "SWC"; and

WHEREAS, the White Haven Municipal Authority has been terminated and no longer is in existence; and

WHEREAS, the White Haven Borough has no interest in either the White Haven Borough Sewage Collection System or the White Haven Sewage Treatment Plant.

(Res. No. 6-2005, 6/27/05)

**§202. No Legal Interest Established.** The White Haven Borough Acknowledges that it has no legal interest in either the sewage collection system of the sewage treatment plant located in the Borough of White Haven; that it has no interest in the original Sewage Agreement dated February 9, 1994 between White Haven Municipal Authority, White Haven Borough and Dennison Township, which Agreement was subsequently assigned to SWC; that it has no interest in or objection to the Sewage Pass-through Agreement between Dennison Township and SWC, a copy of which is attached hereto and made a part hereof. (Res. No. 6-2005, 6/27/05)

**Part 3**  
**Water Shortage**

**§301. Existence of Shortage.** When it is determined by Borough Council that a shortage of water does exist, a prohibition on water usage shall be imposed and all residents shall be informed by appropriate means which are calculated to reach the users of the water system.

**§302. Prohibited Used of Water.** In all future water shortages, the following uses of water shall be prohibited:

- (a) No person shall use water for the purpose of watering lawns.
- (b) No person shall use water for the purpose of washing motor vehicles.
- (c) No person shall use water for the purpose of filling swimming pools.
- (d) No person shall use water to the extent that it is determined by the Borough of White Haven to be an appropriation of more than seventy-five (75%) percent of the base.

The restrictions shall not apply to industrial and commercial users and persons who use their own well water for the above purposes.

**§303. Enforcement.** Borough Council and their employees and other public officials designated by Council, shall have the responsibility for enforcing the provisions of this Part.

**§304. Penalty.** The provisions of this Part are declared appropriate for the health, safety and welfare of the citizens of the Borough, and any person or persons, firm, corporation, or combination of individuals violating any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding Six Hundred (\$600.00) Dollars and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense.