

**INDIAN LAKE BOROUGH**  
**ORDINANCE NO. 113**

AN ORDINANCE OF INDIAN LAKE BOROUGH, SOMERSET COUNTY,  
PENNSYLVANIA REGULATING THE INSTALATION OF HOLDING TANKS.

BE IT ENACTED AND ORDAINED by the Borough Council of Indian Lake Borough,  
Somerset County, Pennsylvania, and it is hereby enacted and ordained as follows:

**SECTION 1. 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 2. Definitions.**

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

A. **"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.

B. **"Improved Property"** shall mean 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. **"Owner"** shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Borough.

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. **"Municipality"** shall mean the Borough of Indian Lake, Somerset County, Pennsylvania.

**SECTION 3. Right and Privileges Granted.**

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

SECTION 4. Rules and Regulations.

That the Borough Council is hereby authorized and empowered to adopt such rules and regulations concerning sewage which they 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 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 6. 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.

SECTION 7. 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 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.

B. The total required holding tank capacity for any improved property utilizing a holding tank shall be determined by the Borough Sewage Enforcement Officer according to the usage of the lot and other factors which the Sewage Enforcement Officer may deem relevant.

C. The Borough Council shall receive, review and retain pumping receipts from permitted holding tanks on a monthly basis whether or not pumping occurred during this period.

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

E. The Borough Council will do monthly water meter readings.

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 Borough, the provisions of any applicable law, and the rules and regulations of the Borough Council and any administrative agency of the Commonwealth of Pennsylvania.

B. Permit only the Borough Council or its agent to inspect holding tanks on an annual basis.

C. Permit only a person or entity duly authorized and duly equipped for such purpose to collect, transport, and dispose of the contents therein.

D. Provide the Municipality with monthly pumping receipts whether or not pumping occurred during this period.

E. Have a working water meter and reader installed at the residence.

SECTION 9. Written Agreements Required.

The owner of an improved property shall at the time of the issuance of a holding tank permit enter into an agreement with the municipality which shall include:

A. A statement of maintenance of the tank, including pumping which shall take place on a regular basis.

B. A contract between the owner of the improved property and a licensed sewage hauler for the pumping and transportation of the sewage removed from the holding tank shall be attached.

C. A pledge that the contents of the tank shall be deposited in a licensed disposal plant only.

D. An understanding that all costs of maintenance of the tank, pumping of the tank, and the transportation of the sewage shall be the sole responsibility of the owner of the improved property.

E. The land upon which the holding tank is situated shall not be transferred without notice to the municipality.

F. The owner of the improved property will assign all rights and duties under this agreement to his successor or assign.

SECTION 10. Violations.

Any person who violates any provisions of Section 8, 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 to undergo imprisonment in the county prison for a period not in excess of ninety (90) days.

SECTION 11. 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 municipality or the Agency by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

SECTION 12. Maintenance, Repairs and Replacement.

Owner shall maintain, repair and replace said holding tank and sewage lines running from said holding tank to the dwelling house at Owner's sole cost and expense and in such condition at all times as required by the Agency based upon periodic reports from the Agency's inspector.

SECTION 13. Repeal.

All ordinances or resolutions or parts of ordinances or resolutions, insofar as they are inconsistent herewith, be and the same are hereby repealed.

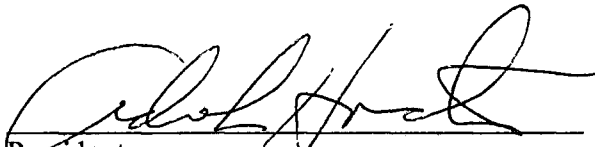
SECTION 14. Severability.


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 or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance. It is hereby declared as the intent of the Indian Lake Borough Council, that this ordinance would have been adopted has such constitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

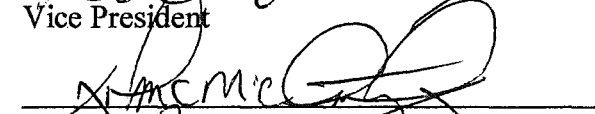
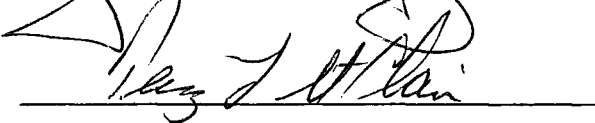
Section 15. Effective Date.

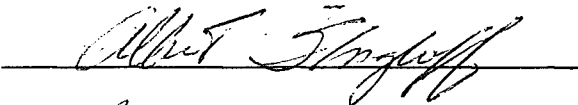
This ordinance shall become effective immediately after its adoption.

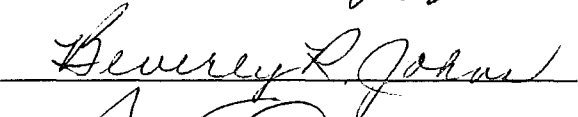
ENACTED AND ORDAINED into an ordinance this 10th day of November, 1999, by the Indian Lake Borough Council

  
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President

  
\_\_\_\_\_  
Vice President

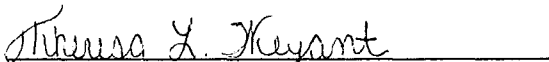
  
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ATTEST:

  
\_\_\_\_\_  
Borough Secretary

Approved, this 10<sup>th</sup> day of November, 1999.

  
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Mayor