

**COOPER TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. 2007 - 02**

HOLDING TANK ORDINANCE

AN ORDINANCE SETTING FORTH REQUIREMENTS AS TO THE USE OF HOLDING TANKS IN THE TOWNSHIP, A PERMITTING PROCESS FOR SAID TANKS AND SPECIFIC REQUIREMENTS FOR INSTALLATION AND MAINTENANCE OF SAID TANKS.

BE IT HEREBY ORDAINED AND ENACTED by the Supervisors of Cooper Township as follows:

Section 1. Purpose. The Purpose of this Ordinance is to establish procedures for the use, maintenance and removal of 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:

A. "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 ultimate disposal of the sewage at another site.

B. "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 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 Township.

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 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. "Sewage" shall not be deemed to include any substance containing primarily animal waste or excrement.

F. "Township" shall mean Cooper Township, Montour County, Pennsylvania.

Section 3. Use of Holding Tanks. Holding tanks may be used subject to the provisions of this Ordinance to serve as temporary sewage disposal from existing structures within the Township, where on-lot sewage disposal facilities are not feasible due to unsuitability of soils; for a temporary sewage disposal from existing structures where a malfunction in the presently installed on-site sewage treatment system cannot be suitably repaired or replaced due to unsuitability of soils; or temporarily serve for sewage disposal for new construction in any area of the Township for which a revision of the Township's Official Sewage Facilities Plan has been approved by the Department.

Section 4. Application for Permit.

A. Any landowner seeking to use a holding tank for sewage disposal on any lot

situated in the Township shall first obtain a permit.

B. Permit application shall be made upon a form to be supplied by the Township Sewage Enforcement Officer to any landowner upon such landowner's request.

C. The landowner shall file the completed and executed application for permit with the Township Sewage Enforcement Officer; and, shall pay to the Sewage Enforcement Officer such application fees as the Board may from time to time prescribed by resolution.

D. The landowner shall cooperate with the Township's officer at all stages of the application process.

E. A permit shall be issued to the landowner upon proper application after the Board has amended its Official Sewage Facilities Plan and after approval by the Department.

F. Prior to grant of permit, the landowner shall obtain and file with the Township Sewage Enforcement Officer a certified copy of each of the following documents:

- i) A completed application;
- ii) A written contract between the landowner and a qualified and responsible holding tank cleaner for the term of the holding tank permit which contract shall provide for the timely and regular removal of the contents of the holding tank by the holding tank cleaner; and, for the removal of the said contents to an approved disposal site for final disposition;
- iii) A certified copy of a written contract between the holding tank cleaner and the disposal site providing the holding tank cleaner with the right to

dispose of the holding tank contents for a time at least until the end of the period for which the holding tank permit is requested, which contract shall conform to 25 Pa. Code Chapter 71;

- iv) Fees as established by Resolution of the Board; and
- v) An agreement to reimburse and indemnify the Township for any liability, costs and expenses which shall or may be incurred by the Township in actions to enforce compliance by the landowner or to remove the contents of the holding tank or the holding tank upon default or failure of the landowner to perform or for any fines incurred by the Township by reason of the landowner's failure to comply with this Ordinance, any properly enacted amendment hereto or the laws and regulations of the Commonwealth of Pennsylvania. The agreement shall be in the form required by the Board.

Section 5. Permit Term and Renewal.

- A. Each permit shall be issued for the term of one year.
- B. Permits may be renewed annually upon proper application to the Board in the manner set forth in Section 4 of this Ordinance.
- C. In the event a landowner holding a valid permit shall violate this Ordinance during the term of the permit, no renewal permit shall thereafter be issued to such landowner.

Section 6. Removal of Holding Tank.

A. Absent the grant of a renewal permit prior to the lapse of an existing permit, the landowner shall remove or cause the removal of the holding tank within 20 days of the end of the term for which a permit has been issued.

B. In the event a holding tank permit has been issued for new construction pending the installation of an off-site sewage disposal system, the landowner shall remove or cause the removal of the holding tank within 20 days after the use of the off-site sewage disposal system is made available to the landowner; and shall, connect with the off-site disposal system within the same time.

C. Township, at its election, shall have the right to enter upon the premises of a landowner for the purpose of removing or causing the removal of any holding tank which remains in place in violation of this Ordinance. "Township" as used herein shall mean the Township, its employees or third parties contracted by the Township for the purpose of removing the holding tank. All costs and expenses of removal shall be borne by the landowner.

Section 7. Requirements for Holding Tank.

A. Any holding tank installed or maintained pursuant to a permit issued under this Ordinance shall comply, in all respects, to the specifications set forth in Regulations of the Department, 25 Pa. Code Chapter 73, inclusive.

B. The landowner shall cause the holding tank and all lines, pipes or conduits to

the same to be maintained in a good watertight condition at all times.

C. All holding tanks shall be installed on a firm and stable soil or subsoil; and in such manner as to prevent settlement or movement.

D. No holding tank or lines to the holding tank shall be covered until the Township's Officer shall have first inspected and approved the installation and authorized covering the same. The landowner shall be responsible for furnishing the Officer reasonable notice of the installation.

E. The landowner shall cause a holding tank to be cleaned as frequently as may be required to maintain the contents at a level less than 75 percent of the tank capacity.

F. Holding tanks shall be installed at least 50 feet downgrade from any source of water supply.

Section 8. 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 Board of Supervisors of Cooper Township, 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. Within seven (7) days of the pumping of any holding tanks, a copy of the receipt issued in connection therewith shall be provided by the permitted owner to the Board of Supervisors of Cooper Township for its review and retention as a record.

Failure to timely forward said holding tank pumping receipts to the Board of Supervisors shall be cause for the Township to revoke the Holding Tank Permit after reasonable notice has been given to the owner.

C. The Township Sewage Enforcement Officer shall inspect all holding tanks for Improved Properties located in the Township on at least an annual basis. This includes both new and existing holding tanks. No permit shall be renewed until the Sewage Enforcement Officer has made an inspection of the tank in questions and determined said tank to be in compliance with this Ordinance and all other applicable regulations.

D. The Township or its agent shall complete and retain annual inspection reports for each permitted holding tank.

Section 9. Rates and Charges. The Board of Supervisors of Cooper Township shall have the right and power to establish and collect rates, assessments, and other charges in order to carry out the requirements and provisions of this Ordinance.

Section 10. 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 Board of Supervisors of Cooper Township, and the rules and regulations of any administrative agency of the Commonwealth of Pennsylvania.

B. Permit the Board of Supervisors of Cooper Township or its designated agent

to inspect the holding tank or tanks on an annual basis;

C. Permit only the persons acting under the direction of the Board of Supervisors of Cooper Township to collect, transport, and dispose of the contents of the holding tank or tanks;

D. Maintain the holding tank and have the contents thereof removed at such intervals of time so that the contents of said holding tank do not escape, seep, or overflow from said tank;

E. Keep a record of the dates and times and all other pertinent data relating to the collection and disposal of the holding tank's contents.

Section 11. Violations. Any person who violates any provisions of Section 10 shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than \$25.00 and not more than \$300.00 and costs. Said penalty may be assessed for each day that violation continues.

Section 12. Abatement of Nuisances. In addition to any other remedies provided in this Ordinance, any violation of Section 10 above shall constitute a nuisance and may be abated by the municipality or the Authority by either seeking appropriate equitable or legal relief from a court of competent jurisdiction.

Section 13. In addition to all other remedies provided by this Ordinance, any person who violates Section 10 of the Ordinance shall be subject to all fines, civil penalties and fees provided in the Pennsylvania Sewage Facilities Act, 35 P.S. Sections 13 and 13a.

Section 14. 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 15. 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 Board of Supervisors of the Township, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

Section 16. Effective Date. This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED this 8th day of February, 2007, as an Ordinance of the Township of Cooper, Montour County, Pennsylvania in lawful session duly assembled.