

## RETAINING TANK ORDINANCE

# 21

BE IT ENACTED AND ORDAINED by the Supervisors of Apolacon Township of Susquehanna County, Pennsylvania, and it is hereby enacted and ordained as follows:

**SECTION 1. PURPOSE:** The purpose of this Ordinance is to establish procedures for the use and maintenance of existing and new retaining 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 2. A.** As to any residential or commercial property, a retaining tank is a temporary solution to sewage disposal where an existing system has failed and will be permitted only when no other means of disposal is currently available when an existing system fails and undue hardship would result from ordering the cessation of the production of sewage. In no case will a retaining tank be construed as an alternative to conventional in-ground, individual or community sewage systems or to a sewage treatment system. A retaining tank will not be approved for any new construction where no alternative sewage disposal system available.

**SECTION 2. DEFINITIONS:** All definitions shall mean as defined in the Pennsylvania Code Title 25 Environmental Resources, Chapters 71, 72, and 73. Including the following, unless the context specifically and clearly indicates otherwise.

**A. "AUTHORITY"** shall mean the Council of Governments Sewage Enforcement Committee.

**B. "IMPROVED PROPERTY"** shall mean any property with the Municipality upon which there is erected a structure intended for continuous or periodic habitation, occupation or use by human beings or animals and from which structure sewage shall or may be discharged.

**C. "USE CHANGE"** shall mean any change of use from the original use to any other use.

**D. "MUNICIPALITY"** shall mean any Township or Borough having passed an ordinance having the Council of Governments Sewage Enforcement Committee enforce their Sewage Facilities Official Plan.

**SECTION 3. RIGHTS AND PRIVILEGES GRANTED.** That the Authority is hereby authorized and empowered to undertake with this Municipality the control and methods of retaining tank use, sewage disposal, and sewage collection and transportation thereof.

**SECTION 4. "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 effect the purpose herein.

SECTION 5. Rules and Regulations to be in conformity with applicable law. All rules and regulations adopted by the Authority shall be in conformity with the provisions herein, all other Ordinances of the Municipality, all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

SECTION 6. "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 7. EXCLUSIVENESS OF RIGHTS AND PRIVILEGES.

A. The collection and transportation of all sewage from any improved property utilizing a retaining tank shall be done solely by or under the direction and control of the Authority, and the disposal thereof shall be made 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 retaining tanks.

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

SECTION 8. DUTIES OF IMPROVED PROPERTY OWNERS. The owner of an improved property that utilizes a retaining tank shall:

A. Maintain the retaining tank inconformance with this or any Ordinance of this Municipality, 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 retaining tanks on an annual basis.

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

SECTION 9. 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 Five Hundred (\$500.00) Dollars, plus all costs of prosecutions, 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 10. REVOCATION OF PERMITS** A permit may be revoked by the Authority at any time for one or more of the following reasons:

A. When the use changes from the original use to another use without first obtaining a new permit.

B. When the cost of enforcement is higher than the amount set aside in the escrow account.

C. When the permittee has violated the Act, this part, or the requirements of the permit.

**SECTION 11. ABATEMENT OF NUISANCE** 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 Authority by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

**SECTION 12. REPEAL** All Ordinances or resolutions or parts of Ordinance or Resolutions, insofar as they are inconsistent herewith, be and the same repealed.

**SECTION 13. 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 Governing Board of this Municipality, that this Ordinance would have been adopted has such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

**SECTION 14. EFFECTIVE DATE** This Ordinance shall become effective five (5) days after its adoption.



COG SEWAGE ENFORCEMENT COMMITTEE  
RULES AND REGULATIONS  
FOR RETAINING TANK

**HOLDING TANKS**

1. To ensure the proper maintenance of a holding tank an escrow agreement and escrow account is to be set up.
2. All tanks must be inspected annually and a report must be on file with the Committee by the S.E.O.
3. The Committee will keep all pumping records and reports on the operation and maintenance of holding tank.
4. The Committee may enter into contracts with pumpers if the owner does not maintain the tanks in accordance with the law and these regulations, and use the escrow account to pay the same.
5. A copy of these Rules and Regulations must be included with each permit issued and a receipt therefor.
6. The Committee shall establish an annual fee and the amount of the escrow to be included in their adopted fee schedule.
7. The owner of the holding tank must sign a contract with a pumper approved by the Committee to be included with the permit application. The contract must include but not limited to the following:
  - A. Property owner's name, phone number, address, parcel number.
  - B. Pumper's name, phone number, address, owner (if different from pumper).
  - C. Statement from pumper as to final disposal site of septage.
  - D. Agreement that the pumper will send to the Committee pumping information such as: the number of gallons pumped, the condition of the tank, the actual site of disposal with receipt for disposal, the date of pumping, and any violation that may be existing at the site of the tank.
8. Permits are for one (1) year and are renewed annually at the time of the annual inspection with a new application, new pumping contract, and replacement of any escrow account monies used.
9. Permits shall only be used where the PA D.E.R. finds and gives written notice to the Committee that the



requirements of Chapters 71 (relating to the administration of sewage facilities planning program) have been met.

10. When the reason for the installation of a holding tank is necessary to abate a nuisance or public health hazard, the Committee may amend these Rules and Regulations to suit the conditions.

#### PRIVY

A privy must have a permit and can be used where there is no water under pressure or piped water at the site.

1. An escrow Agreement and Escrow Account is to be set up to insure the removal of the privy when piped water or water under pressure becomes available to the lot.

2. Must have a suitable site, tested and approved for an on-lot sewage system.

3. The property owner is to agree to allow the S.E.O. to make periodic inspections.

#### EXCEPTIONS TO THE ABOVE PRIVY REGULATIONS

The above restrictions on privies do not apply if the privy is proposed for use on an isolated lot which is one acre or larger, not served now and is not intended to be served in the future, by water under pressure or piped water.

The property owner will still be required to have a permit and must agree to comply with the rules and regulations regarding privies if the lot should ever be served with water under pressure or piped water.

#### CHEMICAL, COMPOSTING, INCINERATING TOILETS

1. All sites that are used for occupancy, whether occasionally or overnight, must have a means of sewage disposal. The exception to this is if a road-ready recreational vehicle is used.

2. Chemical, composting, or incineration toilets may be used at recreational sites and must have a permit.

3. All chemical, composting, and incineration toilets must be used and installed in accordance with the manufacturer's directions.

ENACTED AND ORDAINED into an Ordinance this 16 day  
December A.D. 1994 by the Board of  
Supervisors (Members of Council) of APOLACON TOWNSHIP  
of Susquehanna County, Pennsylvania, in lawful session  
duly assembled.

APOLACON TOWNSHIP  
Municipality

*Roger A. Marincay*  
*Barbara Anne Sechrist*

CERTIFICATION OF ADOPTION

I hereby certify the foregoing to be an exact copy of an  
Ordinance adopted by Apolacon Township Board of Supervisors  
at a regular meeting held on December 16, 1994.

*Barbara Anne Sechrist*  
Secretary



# COUNTY TRANSCRIPT, INC.

212-216 Exchange Street

Susquehanna, PA 18847

PH.: 717-853-3134 FAX: 717-853-4707

## INVOICE

SOLD  
TO:

New Milford Municipal Auth  
P.O. Box 111  
New Milford, PA  
18834

SHIP  
TO:

### PUBLIC NOTICE

Notice is hereby given that the following municipalities in the County of Susquehanna, Pennsylvania, shall hold special meetings at the time, date and places herein announced for the purpose of public comment and adoption of an Ordinance, known as the Retaining Tank Ordinance. This Ordinance provides for the establishment and maintenance of a retaining tank under the auspices of the Susquehanna County Council of Governments Sewage Enforcement Committee to perform and enforce the provisions of the Pennsylvania

NO 7438  
DATE 11-12-94  
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UNIT	DESCRIPTION	UNIT PRICE	AMOUNT
89	Legal Advertising "Municipalities/Special Meetings" (89 Lines x 1 Insert) = 89 lines Ran: November 10, 1994  Pd 12-7-94 CK 70.358	1.100	97.90
COMMENTS			97.90

Sewage Facilities Act of January 24, 1966, P.L. 1533, Act No. 537, as amended, on behalf of the municipalities entering into this agreement. The Ordinance is to establish procedures for the use and maintenance of existing and new retaining tanks designed to receive and retain sewage whether from residential or commercial uses as provided for in Act No. 537.

The following Susquehanna County municipalities and their governing bodies shall hold regular meetings for public comments and vote on adoption of this Ordinance at the time, date, and place indicated.

APOLACON TOWNSHIP: Wednesday, December 7, 1994, 7:30 p.m., Township Bldg., Townhouse Road.

ARARAT TOWNSHIP: Tuesday, December 6, 1994, 7:00 p.m., East Ararat Church.

CHOCONUT TOWNSHIP: Monday, December 5, 1994, 7:30 p.m., Township Garage.

GIBSON TOWNSHIP: Monday, December 5, 1994, 7:00 p.m., Gibson Township Building.

LIBERTY TOWNSHIP: Monday, December 5, 1994, 7:00 p.m., Grange Hall.

HARMONY TOWNSHIP: Tuesday, December 6, 1994, 7:00 p.m., Township Building, Stevens Point.

LITTLE MEADOWS BOROUGH: Monday, December 12, 1994, 7:00 p.m., Little Meadows Borough Building.

NEW MILFORD BOROUGH: Thursday, December 1, 1994, 7:00 p.m., New Milford Borough Building.

Copies of the proposed Ordinance are available for review by the public at: Susquehanna County Law Library, County Courthouse, Montrose, Pa.; The Susquehanna Transcript, Susquehanna, Pa.; the Susquehanna County Office of Planning, County Office Building, Montrose, Pa.; and through the Secretaries of the