

## ORDINANCE NO. 2008 - 07

AN ORDINANCE OF THE TOWNSHIP OF HAMILTONBAN, ADAMS COUNTY, PENNSYLVANIA, REPEALING HOLDING TANK ORDINANCE NO. 10-95 AND ENACTING THE FOLLOWING SEPTIC HOLDING TANKS ORDINANCE, PROVIDING THE TERMS OF AN AGREEMENT WHICH IMPOSES DUTIES AND LIABILITIES ON THOSE WHO ARE PERMITTED TO HAVE A HOLDING TANK, AND PRESCRIBING PENALTIES FOR VIOLATION OF THOSE DUTIES.

The Board of Supervisors of the Township of Hamiltonban hereby enacts and ordains The Septic Holding Tank Ordinance of the Township of Hamiltonban, Adams County, Pennsylvania, as follows:

### **SEPTIC HOLDING TANKS**

#### **Procedures.**

The procedures and requirements, relative to the issuance of holding tank permits, shall be as set forth in the Pennsylvania Sewage Facilities Act, No. 537 P.L. 1535 (1965), as amended (the "Act"), and the rules and regulations promulgated thereunder (the "Regulations") by the Pennsylvania Department of Environmental Protection ("DEP"), which Act and Regulations, as from time to time revised, amended or supplemented, are hereby incorporated herein by reference as fully as those set forth at length herein-, provided, however, that the more restrictive provisions and requirements shall prevail in the event of any conflict or inconsistency between the provisions of this ordinance and the Act and Regulations.

**Holding Tank Agreement.**

The Sewage Enforcement Officer shall not issue a holding tank permit unless such holding tank complies with the Act and Regulations, and until all of the titled property owners of the land on which the holding tank will be located have executed an Agreement as prescribed by this Ordinance.

The form of the Agreement is as follows:

HAMILTONBAN TOWNSHIP  
HOLDING TANK PERMIT AGREEMENT

THIS AGREEMENT, made this \_\_\_\_ day of September, 2008, by and between HAMILTONBAN TOWNSHIP with an office at 23 Carroll's Tract Road, Fairfield, Pennsylvania 17320 (hereinafter "Township"), and \_\_\_\_\_ of \_\_\_\_\_, (hereinafter "Owner").

WHEREAS, Owner is the owner of real property located at \_\_\_\_\_, Hamiltonban Township, Adams County, Pennsylvania, the present Deed to which is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed/Record Book at Page \_\_\_\_\_; and

WHEREAS, the Township is willing to issue to the Owner a Holding Tank Permit, subject however to Owner's execution and delivery of, and strict compliance with, the present Agreement, the Act and the Regulations.

NOW, THEREFORE, WITNESSETH: that in consideration of the parties' mutual promises and agreements contained hereon, in addition to the foregoing recitals (which are incorporated herein), and intending to be legally bound hereby and intending to bind his heirs, successors and assigns, the Township and Owner hereby agree as follows:

(1) Township shall issue to Owner a Holding Tank Permit conditioned upon and subject to Owner's strict compliance with all of the provisions of this Agreement, the Act and the Regulations.

(2) Owner shall furnish, install, and maintain Owner's holding tank in conformity with all of the terms and conditions of the Owner's Application and Permit, as well as the pertinent provisions of the Act, the Regulations and this Agreement.

(3) Owner shall, either at the time of receipt of the Permit or within ten (10) days thereafter, and at any time upon demand, furnish the Township Secretary with a copy of Owner's contract with a duly licensed holding tank collection /disposal operator or company, along with said operator's or company's written contract or authorization with an approved dumping site or sewage disposal facility to dispose of the septage from Owner's holding tank.

(4) Owner shall furnish the Township Secretary with written statements or receipts indicating Owner's regular and proper pumping of Owner's holding tank; such statements or receipts shall be furnished or exhibited at any time upon demand of the Township's Sewage Enforcement Officer, and at least annually to the Township Secretary.

(5) Owner acknowledges and agrees that Owner's holding tank shall be subject to periodic inspection, with or without notice, by the Township's Sewage Enforcement Officer, and for this purpose Owner hereby grants to the Sewage Enforcement Officer permission to enter upon Owner's above-mentioned property at any time, with or without notice, for purposes of such inspection.

(6) Owner acknowledges and agrees that Owner's failure to correct a violation of any term or condition of the present Agreement or of the Act or of the Regulations within ten (10) days of the date of written notice from the Township or the Township's Sewage Enforcement Officer of any such violation, shall constitute grounds for the immediate and automatic revocation by the Township of the Owner's Permit.

(7) Owner acknowledges and agrees that the Township shall have the right to file a municipal claim or lien against Owner's above-mentioned property, in the event that Owner's breach of the terms and conditions of the present Agreement or the Act or the Regulations, results in the Township incurring any cost or financial loss as a result of the breach, including attorney's fees and court costs.

(8) The parties hereto acknowledge and agree that all references to the Township shall, whenever and wherever pertinent, include the Township's Supervisors, Sewage Enforcement Officer, agents, employees, and representatives.

IN WITNESS WHEREOF, the parties have duly executed this Agreement the day and year first above written.

ATTEST:

HAMILTONBAN TOWNSHIP SUPERVISORS

(Seal)

By: \_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Witness

\_\_\_\_\_  
, Owner

\_\_\_\_\_  
Witness

\_\_\_\_\_  
, Owner

\_\_\_\_\_  
Witness

\_\_\_\_\_  
, Owner

**Obligations of Holding Tank Owner or User.**

All of the terms and obligations imposed pursuant to the Agreement form provided by this Ordinance are requirements imposed upon all property owners or occupiers utilizing a septic holding tank. Those obligations are applicable, as are the penalties stated herein, to all owners and/or occupiers of land serviced by a septic holding tank even though an Agreement may have been lost or never signed.

**Penalties for Violation.**

Any person, firm, corporation or other entity, who is an owner or occupier of land serviced by a holding tank, and who violates the terms, conditions and obligations of this Ordinance (and in the form of Agreement) shall be guilty of a summary offense, and shall

upon conviction be sentenced to pay a fine, or in default of payment thereof to an imprisonment, as prescribed by the Second Class Township Code of the Commonwealth of Pennsylvania for violation of an ordinance regulating health, public safety or water pollution matters (see 53 P.S. § 66601 c)).

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

ENACTED AND ORDAINED this \_\_\_\_ day of September, 2008.

ATTEST:

HAMILTONBAN TOWNSHIP SUPERVISORS

By: \_\_\_\_\_

LuAnn M. Dille,  
Secretary/Treasurer

\_\_\_\_\_

Robert L. Gordon, Chairman