

Chapter 59
SEWERS

ARTICLE I
Holding Tanks

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ARTICLE II
Sewage Disposal Systems

[HISTORY: Adopted by the Board of Supervisors of the Township of Haines: Art. I, 6-6-1988 by Ord. No. 18. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 35.

ARTICLE I
Holding Tanks
[Adopted 6-6-1988 by Ord. No. 18]

§ 59-1. Purpose.

The purpose of this article is to provide for and regulate the use, maintenance and removal of holding tanks to protect the residents and inhabitants of the Township of Haines from danger, harm and health hazards due to inadequate or malfunctioning on-site sewage systems; to permit the development of lands with the use of holding tanks under carefully controlled and regulated circumstances; to regulate the use and maintenance of holding tanks in conformity with the law, statutes and regulations of the Commonwealth of Pennsylvania and the Department of Environmental Resources; and to provide a temporary alternative to discontinuing otherwise lawful land use by the inhabitants and residents of the Township of Haines.

§ 59-2. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings ascribed to them by this section, unless the context clearly indicates otherwise:

ACT — The Pennsylvania Sewage Facilities Act, 35 P.S. §§ 750.1 through 750.20, as, from time to time, amended.

BOARD — The Board of Supervisors of Haines Township.

CERTIFICATE OF REGISTRATION — Written approval as issued by the Township of Haines and the Department of Environmental Resources authorizing utilization of holding tanks.

DEPARTMENT; D.E.R. — The Pennsylvania Department of Environmental Resources, or its successor agency.

DISPOSAL SITE — A suitable facility for the final disposition of human and animal sewage and wastes, which facility shall have been and remains approved for such purposes by the Department of Environmental Resources.

HOLDING TANK — A water-tight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal by pumping and hauling the sewage to an approved disposal site. Holding tanks, as defined herein, may include, but are not limited to, the following:

- A. Chemical toilet, which is a toilet, using chemicals, that discharges to a holding tank.
- B. Retention tank, which is a holding tank set up in such manner that sewage is conveyed to it by a water-carrying system.
- C. Privy, which is a holding tank designed to receive sewage when water under pressure is not available.

HOLDING TANK CLEANER — A municipal authority, county authority, person, natural or legal entity, including the holding tank owner or tenant in possession, who removes the contents of a holding tank for the purposes of disposing of the same at another site.

IMPROVED PROPERTY — Any property or lot within the township upon which there is erected a structure or structures intended for periodic or continuous habitation, occupancy or use by human beings or animals and from which sewage shall or may be discharged.

OFFICER — The duly appointed Sewage Enforcement Officer of the township.

OWNER or LANDOWNER — Any person or persons vested with ownership, legal or equitable, sole or partial, of any property located, either wholly or partially, within the borders of the Township of Haines.

PERSON(S) — Any individual, partnership, company, association, corporation or any other group, organization or entity.

REGULATIONS — The regulations of the Department of Environmental Resources, Pennsylvania Code, Title 25, Subpart C, Chapters 71 and 73, as adopted and amended; and all future regulations of the Department pertaining to holding tanks.

SEWAGE — 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 substances harmful, inimical or contaminative to the public health, safety or welfare; or to animal or aquatic life; or to the use of any public or private water supplies used for

domestic or other consumption or recreation; or which constitutes pollution under the Pennsylvania Clean Streams Law.¹

TOWNSHIP — The Township of Haines, Centre County.

§ 59-3. Use of holding tanks.

Holding tanks may be used, subject to the provisions of this article, to serve as:

- A. Temporary sewage disposal from existing structures within the township, where on-lot sewage disposal facilities are not feasible due to unsuitability of soils.
- B. Temporary sewage disposal from existing structures where a malfunction in the presently installed on-site sewage treatment system cannot be suitably repaired due to unsuitability of soils.
- C. Temporary sewage disposal for new construction in any area of the township for which a revision to the township's Official Sewage Facilities Plan has been approved by the Department.
- D. Temporary sewage disposal for new construction to permit use of a structure while the ultimate system is being installed.
- E. Disposal of sewage for new construction where such construction is to be used as a hunting camp or vacation home and such structure is not occupied for more than 60 days in any calendar year.

§ 59-4. Permit required; application.

- A. Any owner or landowner seeking to use a holding tank for temporary sewage disposal on any lot situated wholly or partially within the township shall, after receipt of township and Department Official Sewage Facilities Plan approval, obtain a permit from the Township Sewage Enforcement Officer.
- B. Permit application shall be made on a form supplied by the township, available at the office of the Township Secretary, upon request.
- C. The landowner shall file a completed and executed application for permit with the Township Secretary and shall pay to the Secretary such application and other fees as the Board may from time to time prescribe by resolution.
- D. The landowner shall cooperate with the township's Sewage Enforcement Officer and all other township officials at all stages of the application process.
- E. Prior to the grant of a permit, the owner or landowner shall obtain and file with the township a true and correct copy of each of the following documents:
 - (1) A completed application.

¹ Editor's Note: See 35 P.S. § 691.1 et seq.

- (2) 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 and transportation of said contents to an approved disposal site for final disposition.
 - (3) A copy of a written contract between the holding tank cleaner and one or more disposal sites approved by the D.E.R., providing the holding tank cleaner 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 Chapter 71 of Title 25 of the Pennsylvania Code.
 - (4) An agreement to reimburse and indemnify the township for any liability, costs and expenses, including legal fees and court costs and costs of the Township Engineer's and Sewage Enforcement Officer's time, 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 itself upon default or failure of any landowner to comply with this article or D.E.R. regulation, or for any fines incurred by the township by reason of the landowner's failure to comply with this article, any properly enacted amendment hereto or the laws and regulations of the Commonwealth of Pennsylvania. The agreement shall be reviewed by the Township Solicitor and accepted by the Board.
 - (5) When required by the Board, bonding or other surety in such kind and amount as shall be acceptable to the Board.
- F. In the case of an existing or new privy being used at a hunting camp or vacation structure, the Board may authorize a short form application form and renewal form and a reduced fee.

§ 59-5. Permit term; renewal.

- A. Each permit shall be issued for a term not to exceed one calendar year, except as specified herein. Terms of less than one year may be set by resolution of the Board of Supervisors in specific cases. Terms of up to two years may be set for specific permits for privys located at hunting camps or vacation homes, as set forth in § 59-4F.
- B. Renewal.
 - (1) Permits may be renewed upon expiration of their term by application as set forth in § 59-4.
 - (2) In the event that a landowner holding a valid permit shall intentionally or negligently violate the provisions of this article during the term of the permit, as determined by hearing before the Board of Supervisors, no renewal permit shall thereafter be issued to such landowner.

§ 59-6. 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 the permit has been issued.
- B. In the event that a holding tank permit has been issued for new construction pending the installation of off-site or other on-site disposal system, the landowner shall remove or cause the removal of the holding tank within 20 days after the use of the off-site or other on-site disposal system is made available to the landowner and shall connect the off-site or other on-site disposal system at the same time.

§ 59-7. Right of township to enter property.

The township, its employees, agents and assigns, at its election, shall have the right to enter, at any time and without notice, upon the premises of a landowner for the purpose of inspecting, testing, repairing, removing or causing the removal of any holding tank which remains in place in violation of this article. This right of entrance shall extend to all employees of the township, the Township Engineer and Solicitor and any company, partnership or individual employed by the township with regard to the matter. All costs, fees, expenses and the like incurred by the township, its agents, employees and assigns as set forth above with regard to such matter shall be borne by, and shall be recoverable from, the landowner, in addition to any other penalties assessed by this article or state law.

§ 59-8. Installation and maintenance requirements.

- A. Any holding tank installed or maintained pursuant to a permit issued under this article shall comply, in all respects, with the specifications set forth in the regulations of the Department, Chapter 73 of Title 25 of the Pennsylvania Code, inclusive, and all other applicable Department regulations.
- B. The landowner shall cause the holding tank and all lines, pipes or conduits to the same to be maintained in 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, movement, cracking or other damage.
- 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 the covering of the same. The landowner shall be responsible for furnishing the township's officer with reasonable notice of the installation.
- E. The landowner shall cause the holding tank to be cleaned or pumped out as frequently as may be required to maintain the contents at a level less than 75% of the tank capacity.
- F. Holding tanks shall be installed within the setback lines of the property and at least 50 feet downgrade and away from any source of water supply.

§ 59-9. Inspections and certification of pumping.

- A. Any landowner who applies for and receives a permit for the installation and use of a holding tank shall be deemed to have granted his consent for inspections of the holding tank and facilities used in connection with the holding tank by the township, its employees, agents and assigns. No notice of inspection nor formal request need be made.
- B. Any landowner receiving a holding tank permit shall furnish to the township a true and correct copy of all pumping receipts for cleaning or removing the contents of the holding tank. Such copies shall be mailed to or delivered to the Township Secretary within 10 calendar days after the contents of the holding tank are pumped out.
- C. The failure of a landowner to permit inspection of any holding tank or equipment or facilities used in connection with any holding tank; or the failure of the landowner to have any holding tank properly maintained and pumped out; or the failure of the landowner to furnish pumping receipts in a timely fashion shall be grounds for immediate revocation of the permit, in addition to any other penalties and costs assigned to the landowner hereunder.

§ 59-10. Violations and penalties.

- A. This article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days.²
- B. When any violation continues from day to day, and the landowner fails to correct or cease such violation, each day's continuance shall constitute a separate violation hereunder. For purposes of assessing fines, such continuous violation shall be counted from the day after the landowner receives written notice from the township of violation, served upon him in any manner prescribed by the Laws of the Commonwealth of Pennsylvania or rules promulgated by the Courts of the Commonwealth of Pennsylvania.
- C. In addition to any penalties provided for herein, any violation of this article shall be considered a public nuisance, and may be abated by the township by seeking appropriate equitable and legal remedies from a court of competent jurisdiction.

§ 59-11. Appeals.

- A. Any person aggrieved by any action of the Sewage Enforcement Officer, or by denial of a permit hereunder, shall first appeal to the Board.
- B. The procedure for appeal shall in all respects conform to the procedure for appeal from denial of a sewage permit by the officer of the township, as provided by ordinance and law.

² Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 59-12. More restrictive provisions to apply.

Whenever any ordinance or any part of any ordinance conflicts with the provisions of this article, the more restrictive provision shall apply.

ARTICLE II
Sewage Disposal Systems

[Ordinance No. 13, adopted by the Board of Supervisors 11-5-1984, which contains provisions regulating sewage disposal systems is currently under review by township officials. Upon completion of said review, the Sewage Disposal Systems Ordinance will be included, here. Current sewage disposal systems regulations are on file in the township offices and may be examined there.]