

AN ORDINANCE REGULATING THE INSTALLATION, MAINTENANCE AND USE OF HOLDING TANKS WITHIN THE LIMITS OF LOWER CHANCEFORD TOWNSHIP, AUTHORIZING THE ISSUANCE OF PERMITS; PROVIDING FOR FEES; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Lower Chanceford Township, York County, Pennsylvania, as follows:

SECTION 1. This ordinance shall be known as the "Lower Chanceford Township Holding Tank Ordinance".

SECTION 2. It shall be unlawful for any person, firm, association or corporation to erect, construct, or install any holding tank of any kind within the limits of Lower Chanceford Township or to permit to be erected, constructed or installed on property owned by him any holding tank within the limits of Lower Chanceford Township unless such person, firm, association or corporation has a permit for such holding tank issued pursuant to this ordinance and unless all provisions of such permit, all the requirements of this ordinance and all the requirements of the Pennsylvania Sewage Facilities Act, and the regulations issued pursuant thereto respecting the erection, construction, installation and use of the holding tank have been complied with.

SECTION 3. For purposes of this ordinance, holding tank shall be construed to mean a watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Holding tanks include, but are not limited to the following:

- (a) Chemical toilet - a toilet using chemicals that discharge to a holding tank.
- (b) Retention tank - a holding tank to which sewage is conveyed by a water carrying system.
- (c) Privy - a holding tank designed to retain sewage where water under pressure is not available.

SECTION 4. All applications for a "permit" under this ordinance shall be made to the Lower Chanceford Township Sewage Enforcement Officer. The application for a permit for a holding tank shall be signed by the owner or owners of the property on which the holding tank is to be located and shall include a statement as to who has been contracted to be responsible for the removal of the material to be placed in the holding tank and the place where such material is to be ultimately deposited. The applicant shall submit with the application an agreement executed on forms supplied by the Sewage Enforcement Officer signed by the individual, firm or corporation which is to be responsible for the

removal of the contents of the holding tank and by the individual, firm, or corporation which is to be the ultimate point of disposition of the contents of the holding tank agreeing that they will remove and accept such materials as may be deposited in the holding tank during such period as the holding tank continues to be located on the premises of the applicant.

SECTION 5. Permits pursuant to this ordinance may be issued by the Sewage Enforcement Officer only when proper application is made meeting the requirements of Section 4 hereof, the fees required pursuant to Section 8 are paid and the amount required by Section 9 to be paid into the escrow fund are paid and the application meets the criteria of either subsection (a), subsection (b) or subsection (c) of this section.

(a) The permit is for temporary use at a construction site or a place of public gathering or entertainment and will be for a period of not more than ninety (90) consecutive days. A permit issued pursuant to this subsection may not be renewed, nor may a new permit be issued to locate a holding tank on the same tract of land for which a permit was previously issued without at least six (6) months having expired between the date of removal of the previously permitted holding tank and the date of application for another holding tank.

(b) For other than temporary use under subsection (a) of this section, when all three of the following circumstances are present:

(1) The permit is for use in connection with an existing dwelling or place of business which the Sewage Enforcement Officer finds cannot be properly served by an on-site sewage disposal system within the requirements of the Pennsylvania Sewage Facilities Act and the regulations issued pursuant thereto.

(2) The dwelling or place of business was not originally constructed or placed in violation of the "Building Permit Code" or other Township ordinance.

(3) The proposed holding tank will be located at such a place where there will be suitable access for the vehicle necessary to remove the contents of the holding tank when required.

(c) The permit is for use by a charitable organization having a charitable exemption granted by the Internal Revenue Service for use in conjunction with its charitable purpose, and there is not water under pressure present on the premises where the holding tank is to be utilized.

SECTION 6. No application shall be approved unless both the individual, firm, or corporation designated as being responsible for the removal of the contents of the holding tank and the

individual, firm, or corporation designated as being the owners of the ultimate disposal site for the contents of the holding tank shall be approved by both the Township and the Township sewage enforcement officer. The Township may reject the individual, firm, or corporation designated as being responsible for the removal of the contents of the holding tank and/or the individual, firm, or corporation designated as being the ultimate recipient of such contents for any reasonable cause including but not limited to the following:

(a) Such individual, firm, or corporation has not been approved by the Pennsylvania Department of Environmental Resources.

(b) Such individual, firm, or corporation in the past has failed to remove contents from a holding tank on a timely basis after being notified to do so.

(c) Such individual, firm, or corporation has in the past failed to deposit contents of a holding tank in the approved disposal facility for such contents.

(d) Such individual, firm, or corporation has in the past deposited septic tank affluent or other such material in locations other than those approved by the Pennsylvania Department of Environmental Resources such as in the woods or in a stream or in a field except in a manner specifically approved by the Pennsylvania Department of Environmental Resources.

SECTION 7. The holder of a permit issued pursuant to this ordinance shall:

(a) Install, erect, or construct only such holding tank as shall be in compliance with the regulations of the Department of Environmental Resources of the Commonwealth of Pennsylvania issued pursuant to the Sewage Facilities Act.

(b) Notify the individual, firm, or corporation designated in the application as the individual, firm, or corporation responsible for the removal of holding tank contents at such time that the tank is filled to within seventy-five (75%) per cent of capacity.

(c) Permit only the individual, firm, or corporation designated in the application to remove holding tank contents.

SECTION 8. The applicant shall submit with the application a filing fee in the amount of One Hundred Twenty-Five (\$125.00) Dollars.

SECTION 9. All the applicants except charitable organizations having a charitable exemption granted by the Internal Revenue

Service shall in addition submit to Lower Chanceford Township the sum of Five Hundred (\$500.00) dollars which shall be held in escrow by the Township. Any sums remaining in the escrow fund not deducted pursuant to provisions of Section 10 and 11 of this ordinance shall be paid to the owner of the property on which the holding tank is located promptly upon its removal.

SECTION 10. Following the issuance of a permit pursuant to this ordinance the Sewage Enforcement Officer shall from time to time inspect the holding tank. In the event that the Sewage Enforcement Officer finds the holding tank to be filled in excess of eighty-five (85%) percent of capacity, he shall be paid, as an inspection fee, the sum of fifty (\$50.00) dollars by the Township from the escrow fund established pursuant to Section 9 hereof. The owner of the property on which the holding tank is located shall within ten (10) days of such inspection pay the sum of fifty (\$50.00) dollars to the Township to be added to the escrow fund. In the event the Sewage Enforcement Officer finds that the holding tank is filled to more than eighty-five (85%) percent of capacity, he shall promptly make arrangements to have the contents of the holding tank removed. The cost of such removal shall be paid by the Township from the escrow fund established pursuant to Section 9 hereof. In the event the property owner fails to reimburse the escrow fund for inspection costs as required by this section of the ordinance or in the event of any other violation of this ordinance, the Sewage Enforcement Officer shall revoke the permit issued pursuant to this ordinance, and all amounts remaining in the escrow fund after payment of the inspection fee and payment of the cost of removal of the contents of the holding tank shall be forfeited to the Township. The holding tank shall be removed within ten (10) days from the date of the revocation of the permit issued pursuant to this ordinance.

SECTION 11. Any individual, firm, association, or corporation violating any of the provisions of this ordinance shall upon conviction thereof before a District Magistrate be subject to a penalty not in excess of one thousand (\$1,000.00) dollars for each and every offense. Each and every day that a violation of any of the provisions of this ordinance occurs and each and every day that a holding tank remains erected, constructed, or installed without a permit having been issued or after a permit has been revoked shall be considered a separate and distinct offense and shall be subject to separate and distinct penalties hereunder.

SECTION 12. No individual, firm, association, or corporation which has been in violation of any of the provisions of this ordinance shall subsequently be issued a permit to erect, construct, or install a holding tank until the previous violation has been cured.

For purposes of the interpretation of this section, the individual, firm, association, or corporation applying for a permit, hereinafter referred to as "applicant", shall be considered the identical individual, firm, association, or

corporation as the one in violation, hereafter referred to as "violator", if at least twenty (20%) per cent of the ownership equity in both the "applicant" and the "violator" can be attributed to the same individual, firm, association, or corporation. For purposes of this section, an individual, firm, association, or corporation shall have attributed to him:

(a) All of the equity, stock, or partnership share owned by a corporation in which he and his spouse own at least fifty (50%) per cent of all of the outstanding voting stock.

(b) With respect to a corporation in which he and his spouse own less than fifty (50%) per cent of the outstanding voting stock, the same percentage of the ownership equity, stock, or partnership share that the voting stock owned by him and his spouse bears to the entire outstanding voting stock of the corporation.

(c) All of the equity, as tenants in common, joint tenants, or tenants by the entireties, owned by him and his spouse.

(d) All of the equity owned by a partnership in which the value of the partnership shares owned by him and his spouse is at least fifty (50%) per cent of the value of all of the partnership shares.

(e) With respect to a partnership in which the value of the partnership shares owned by him and his spouse is less than fifty (50%) per cent of all the partnership shares, the same percentage of ownership equity which the value of the partnership shares owned by him and his spouse to the value of all the partnership shares.

SECTION 13. It shall be the burden of the "applicant" to prove that the applicant is not the same individual, firm, association, or corporation as the "violator".

SECTION 14. For purposes of this section, "he" and "him" shall be interpreted to refer to the masculine, the feminine, and the neuter.

SECTION 15. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect; and to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 16. No property shall be permitted to have its sewage needs served by a "retention tank" unless the capacity or the combined capacity of the retention tank or retention tanks is at least four thousand (4,000) gallons.

SECTION 17. All "retention tanks" shall be built of concrete,

shall be watertight and must be installed in a manner which insures that they will not flow when empty due to hydraulic action of ground water and/or storm water runoff.

SECTION 18. No "retention tank" may be installed unless it is equipped with a sound alarm system which will give warning when the tank is filled with seventy-five (75%) per cent of capacity. It shall be a violation of this ordinance for there to be present on any property a "retention tank" if the sound alarm has been shut off or been tampered with or rendered inoperative. In the event the Sewage Enforcement Officer finds that the sound alarm system on any "retention tank" has been tampered with or rendered inoperative, he shall revoke the permit issued pursuant to this ordinance and all amounts remaining in the escrow fund after payment of the inspection fee and payment of the cost for removal of the contents of the holding tank shall be forfeited to the Township. The holding tank shall be removed within ten (10) days from the date of revocation of the permit issued pursuant to this ordinance.

SECTION 19. This ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED by the Board of Supervisors of Lower Chanceford Township, York County, Pennsylvania, on the 11th day of December, 1991.

ATTEST:

LOWER CHANCEFORD TOWNSHIP
BOARD OF SUPERVISORS

Erwin T. Albani
Secretary

By: J. Donald Taylor
Chairman