

**MANOR TOWNSHIP
ARMSTRONG COUNTY,
PENNSYLVANIA ORDINANCE
NO. 2023-1**

**AN ORDINANCE OF MANOR TOWNSHIP, ARMSTRONG
COUNTY, PENNSYLVANIA, ENACTING A HOLDING
TANK ORDINANCE; PROVIDING FOR AND
REGULATING THE USE OF HOLDING TANKS IN
MANOR TOWNSHIP; ESTABLISHING VIOLATIONS AND
PENALTIES OF THIS ORDINANCE; AND PROVIDING
FOR A REPEALER, SEVERABILITY, AND AN
EFFECTIVE DATE.**

WHEREAS, the Manor Township has been asked to adopt a Holding Tank Ordinance to allow for certain commercial development within Manor Township; and

WHEREAS, the Manor Township Board of Supervisors believes that enactment of a Holding Tank Ordinance is appropriate and in the best interest of Manor Township; and

WHEREAS, the Manor Township Board of Supervisors believes that this Ordinance will be beneficial for the Township community and for future commercial development within the Township;

WHEREAS, the Manor Township Board of Supervisors believes that this Ordinance is in compliance with the Department of Environmental Protection (“DEP”) regulations, at 25 Pa.Code §71.63; and

WHEREAS, the Manor Township Board of Supervisors desires to enact this Holding Tank Ordinance.

NOW THEREFORE, on this 19th day of May, 2023, be it enacted and ordained by the Board of Supervisors of Manor Township, Armstrong County, Pennsylvania, as follows:

1. Recitals. The recitals set forth above are incorporated herein as if more fully set forth.

2. Purposes. The purpose of this Ordinance is to establish procedures for the use, maintenance, and removal of existing and new holding tanks designed to receive and retain sewage from commercial uses. 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 the Township.

3. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- a) “Board of Supervisors” shall mean the Township Board of Supervisors of Manor Township, Armstrong County, Pennsylvania.
- b) “DEP” shall mean the Pennsylvania Department of Environmental Protection.
- c) “Holding Tank” shall mean 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 the ultimate disposal of sewage at another site.
- d) “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 or animals and from which structure sewage shall or may be discharged.
- e) “Landowner” shall mean any person vested with ownership, legal or equitable, sole, or partial, or any property located within the Township.
- f) “Person” shall mean any individual, partnership, company, association, corporation, or other group or entity.
- g) “Sewage” shall mean 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 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 or any substance which

constitutes pollution under the Clean Streams Law, 35 P.S. §§691.1001 et seq.

h) "Sewage Enforcement Agency" shall mean the agency appointed by the Township Supervisors for enforcement of this ordinance.

4. Rights and Privileges Granted. The Township is hereby authorized and empowered to undertake the control and methods of holding tank use, sewage disposal, and sewage and collection and transportation thereof within the Township's jurisdiction.

5. Rules and Regulations. The Township is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time-to-time to affect the purposes of this Ordinance. All such rules and regulations adopted by the Township shall be in conformity with the provisions herein, all other ordinances of the Township, all applicable laws, rules, and regulations of administrative agencies of the Commonwealth of Pennsylvania.

6. Rates and Charges. The Township 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.

7. 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 a hauler approved by the Township. Prior to commencing the removal of sewage from a holding tank by sewage hauler, the Landowner shall submit a request to the Township for approval of the hauler. The Landowner's request shall include: (1) the name, address and phone number of the hauler; (2) the name, address and phone number of an emergency contact person representing the hauler; (3) a letter from a sewage treatment plant confirming that it will accept the hauler's waste; and (4) a copy of the Landowner's agreement with a maintenance provider that will perform the annual holding tank

inspection more fully described below. Landowners shall submit new hauler information for approval by the Township if they wish to switch haulers for disposal of sewage. Disposal shall only be made at such site or sites as may be approved by the DEP.

b) The Township will forward all pumping receipts from permitted holding tanks received to the Sewage Enforcement Agency for retention with the sewage permit.

c) The Township will retain the annual inspection reports for each permitted holding tank when submitted to the Township and forward a copy to the Sewage Enforcement Agency for retention with the sewage permit.

d) Annual inspection of the holding tank facilities shall be made by a maintenance provider approved by the Township in order to ensure that all components are in good working condition. Such inspections, however, shall not relieve the Applicant of its obligation to inspect and properly maintain the holding tank facilities. The inspection will include but not be limited to:

- i. Inspection of the tank to assure it is watertight and storm water is directed away from the tank and tank access.
- ii. The visual and audible alarms are in working order.
- iii. Copy of all pumping receipts.

e) The Township's designated sewage enforcement officer shall provide the Board of Supervisors with an annual inspection report regarding all holding tanks. The Township will request from the Sewage Enforcement Agency, a list of all properties in the Township that have received a holding tank permit. The Township will review the list to determine if all yearly inspection reports have been submitted.

8. Use of Holding Tanks. Holding tanks may not be used for residential applications. Holding tanks may only be used for low-flow commercial applications subject to the provisions of this Ordinance to serve as sewage disposal from existing or proposed improved properties when the proposed use meets the requirements of Chapter 71, Section 71.63 and one of the following conditions is met to the satisfaction of the Township:

a) No other viable alternative means of sewage collection and disposal is available to the property;

b) There is a reasonable expectation that a connection to a public or community sewer system will become feasible within five (5) years; or

c) The Township determines, in its sole discretion, that a holding tank is warranted based upon the unique circumstances of the property or the Landowner as represented to the Township by the Landowner.

9. Application for Permit.

a) Any Landowner seeking to use a holding tank for sewage disposal on any lot in the Township must first obtain a holding tank permit from the designated Sewage Enforcement Agency.

b) The Landowner shall file the completed and executed permit application with the Sewage Enforcement Agency. The Landowner shall also provide a copy of the application to the Township upon receiving said permit.

c) Upon receipt of a permit, the Landowner shall record the permit with the Armstrong County Recorder of Deeds together with a statement announcing that a holding tank is the only sewage system available to the property. The Landowner shall provide a copy of the recorded document to the Township.

10. Removal of Holding Tank

a) In the event a holding tank has been determined to no longer be required, the Landowner shall remove said tank within thirty (30) calendar days. The Township shall be given prior notice of this action.

b) The 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 in this Subsection 10(b) shall mean the Township, its employees, or a third party contracted by the Township for the purpose of removing the holding tank.

11. Technical Requirements for Holding Tanks. 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 the regulations of the DEP, 25 Pa.Code, Ch. 73.

12. Inspection and Certification of Pumping.

a) Any Landowner who applies for and receives a permit for holding tanks shall be deemed to have granted their consent for inspection of the holding tank and facilities used in connection with the holding tank by the designated Sewage Enforcement Agency or the Township. At reasonable times during the hours of 8 A.M. and 8 P.M., the Landowner shall grant the designated Sewage Enforcement Agency or the Township's representative access to the premises for the purpose of making such inspections upon oral or written request from said representative.

b) Landowner shall ensure that an annual inspection of the holding tank is performed. A contract with a maintenance provider to complete the annual inspection shall be provided to the Township. The annual inspection of the holding tank shall be performed during

the month of June in each year and a report of the inspection including the following information provided to the Township and the designated Sewage Enforcement Agency.

c) The Township will charge a fee for any inspection of approved holding tanks and any and all administrative costs associated with the approval and use of the holding tank. The fee and costs will be dependent on the Township's costs incurred related to each individual holding tank.

d) 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 report shall be made to the Township's Secretary within ten (10) days after the contents of the holding tank are pumped out. The receipts shall be forwarded to the designated Sewage Enforcement Agency to be retained with the issued permit by the Township.

e) The failure of the Landowner to permit inspection of holding tanks or equipment or facilities used in connection with the holding tanks; or the failure of the Landowner to have the holding tanks properly maintained and pumped out; or the failure of the Landowner to furnish pumping receipts to the Township in a timely fashion, shall be a violation of this Ordinance.

13. Violations and Penalties.

a) Any person violating or permitting the violation of the provisions of this Ordinance shall be subject to a fine of not more than One Thousand Dollars (\$1,000) for each violation, recoverable with costs and attorneys' fees. The establishment of a violation for purposes of setting fines or penalties for such violation shall be in accordance with a citation to a Magisterial District Judge with jurisdiction and venue over the location of the violation. Such an action will be subject to the procedures provided for in the enforcement of summary offenses

under the Pennsylvania Rules of Criminal Procedure. A separate offense shall arise for each day, or portion thereof, a violation is found to exist and may be determined for each section of this Ordinance which is found to have been violated.

b) In addition, the Township may, through its Solicitor, institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance and to prevent public health hazards. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other legal or equitable forms of remedy or relief. Such relief may include the costs, fees, and charges, including attorneys' fees, as may be permitted by law.

c) Notwithstanding any other provision of this Ordinance, the Township shall have the right at any or all times deemed necessary by the Township Engineer or designee to enter upon property within the Township to inspect and, upon determination of a violation of this Ordinance, to correct the violation with all expenses associated with correcting the violation to be charged to the Landowner responsible for the violation.

d) The Township may elect to declare a property uninhabitable and/or revoke the Occupancy Permit for improved property in the event that a holding tank is not being maintained properly, becomes a nuisance, or becomes a hazard due to malfunction.

14. Abatement of Nuisances. 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 Township by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction in the manner provided in the applicable Township ordinance.

15. Repealer. Any Ordinances, rules, or resolutions, or parts of Ordinances, in conflict herewith are repealed.

16. Severability. The provisions of this Ordinance are severable. 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 Manor Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part therefor not been included herein.

17. Effective Date. This Ordinance shall become effective immediately upon its proper execution by the Township of Manor.


DULY ENACTED AND ORDAINED, this 19th day of may, 2023, by the Board of Supervisors of Manor Township, Armstrong County, Pennsylvania, in lawful session duly assembled.

ATTEST:




Jill A. Davis, Secretary

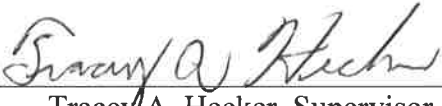
TOWNSHIP OF MANOR

By: 

Donald W. Palmer, Jr., Chairman

By: 

Robert Q. Southworth, Vice-Chairman

By: 

Tracey A. Hecker, Supervisor