

**PART 3**  
**RETAINING TANKS**

**§18-301. Purpose.**

The purpose of this Part is to provide for and regulate the use, maintenance and removal of retaining tanks, to protect the residents and inhabitants of Philipsburg Borough from danger, harm and health hazards due to inadequate or malfunctioning onsite sewage systems, to permit the development of lands with the use of retaining tanks under carefully controlled and regulated circumstances, to regulate the use and maintenance of retaining tanks in conformity with the law, statutes and regulations of the Commonwealth of Pennsylvania and the Department of Environmental Protection and to provide a temporary alternative to discontinuing otherwise lawful land use by the inhabitants and residents of the Borough of Philipsburg.

(Ord. 959, 11/13/1995, §1)

**§18-302. Definitions.**

For the purposes of this Part, the following words and phrases shall have the meaning ascribed to them by this Section, unless the context clearly indicates otherwise:

ACT — the Pennsylvania Sewage Facilities Act, 35 P.S. §§750.1 – 750.20, from time to time, amended.

BOROUGH — the Borough of Philipsburg, Centre County, Pennsylvania.

COUNCIL — the Council of the Borough of Philipsburg.

CERTIFICATE OF REGISTRATION — written approval as issued by the Borough of Philipsburg and the Department of Environmental Protection authorizing utilization of retaining tanks.

DEPARTMENT; DEP — the Pennsylvania Department of Environmental Protection 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 Protection.

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

## SEWERS AND SEWAGE DISPOSAL

**OFFICER** — the duly appointed Sewage Enforcement Officer of the Borough.

**OWNER OR LANDOWNERS** — 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 Borough of Philipsburg.

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

**REGULATIONS** — the regulations of the Department of Environmental Protection, Pa. Code, Title 25, subpart C, Chapters 71, 72 and 73, as adopted and amended and all future regulations of the Department pertaining to retaining tanks.

**RETAINING TANK** — a watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. The term includes, but is not limited to, the following:

- A. **Chemical Toilet.** A permanent or portable nonflushing toilet using chemical treatment in the retaining tank for odor control.
- B. **Holding Tank.** A tank, whether permanent or temporary, to which sewage is conveyed by a water carrying system.
- C. **Privy.** A tank designed to receive sewage where water under pressure is not available.
- D. **Incinerating Toilet.** A device capable of reducing waste materials to ashes.
- E. **Composting Toilet.** A device for holding and processing human and organic kitchen waste employing the process of biological degradation through the action of microorganisms to produce a stable, humus like material.
- F. **Recycling Toilet.** A device in which the flushing medium is restored to a condition suitable for reuse in flushing.

**RETAINING TANK CLEANER** — a municipal authority, County authority, person, natural or legal entity, including the retaining tank owner or tenant in possession who removes the contents of a retaining tank for the purposes of disposing of the same at another site.

**SEWAGE** — normal water carried household and toilet wastes from any improved property.

**VACATION HOME OR CAMP** — structures intended for recreation uses only and not as permanent residences which are not occupied for more than 60 days in any calendar year.

(Ord. 959, 11/13/1995, §2)

**§18-303. Use of Retaining Tanks.**

Retaining tanks may be used subject to the provisions of this Part to serve as:

- A. Temporary sewage disposal from existing structures where a malfunction in the presently installed onsite sewage treatment system cannot be suitably repaired due to unsuitability of soils or other factors.
- B. Temporary sewage disposal for new construction in any area of the Borough for which a revision to the Borough's Official Sewage Facilities Plan has been approved by the Department.
- C. Temporary sewage disposal for new construction to permit use of a structure while the ultimate system is being installed. Provided, required Borough and Department Official Sewage Facilities Plan approvals are obtained.
- D. Disposal of sewage for new construction where such construction is to be used as a hunting camp or vacation home as defined in §18-302 of this Part. Provided, required Borough and Department Official Sewage Facilities Plan approvals are obtained.
- E. Sewage disposal from existing structures within the Borough where on-lot sewage disposal facilities are not feasible due to unsuitability of soils or other factors. Provided, Borough and Department Official Sewage Facilities Plan approvals are obtained.

(Ord. 959, 11/13/1995, §3)

**§18-304. Application for Permit.**

- 1. Any owner or landowner seeking to use a retaining tank for temporary sewage disposal on any lot situated wholly or partially within the Borough shall, after receipt of Borough and Department Official Sewage Facilities Plan approval, obtain a permit from the Borough Sewage Enforcement Officer.
- 2. Permit application shall be made on a form supplied by the Borough, available at the office of the Borough Secretary, upon request.
- 3. The landowner shall file a completed and executed application for permit with the Borough Secretary and shall pay to the Secretary such application and other fees as Council may, from time to time, prescribe by resolution.
- 4. The landowner shall cooperate with the Borough's Sewage Enforcement Officer and all other Borough officials at all stages of the application process.

## SEWERS AND SEWAGE DISPOSAL

5. In addition to the completed application set forth in subsection (1) above, the owner shall provide the Borough with true and correct copies of the following, prior to any grant of permit:
  - A. A written contract between the land owner and a qualified and responsible retaining tank cleaner for the term of the retaining tank permit, which contract shall provide for the timely and regular removal of the contents of the retaining tank by the retaining tank cleaner and for the removal and transportation of said contents.
  - B. A copy of a written contract between the retaining tank cleaner and one or more disposal sites approved by Department of Environmental Protection, providing the retaining tank cleaner the right to dispose of the retaining tank contents for a time at least until the end of the period for which the retaining tank permit is requested, which contract shall conform to 25 Pa.C.S.A., Chapters 71, 72 and 73.
  - C. An agreement to reimburse and indemnify the Borough for any liability, costs and expenses, including legal fees and court costs and costs of Borough Engineer and Sewage Enforcement Officer's time, which shall or may be incurred by the Borough in actions to enforce compliance by the landowner or to remove the contents of the retain tank or the retaining tank itself upon default or failure of any landowner to comply with this Part of Department of Environmental Protection regulation or for any fines incurred by the Borough by reason of the landowner failure to comply with this Part, any properly enacted amendment hereto or the laws and regulations of the Commonwealth of Pennsylvania. The agreement shall be reviewed by the Borough Solicitor and accepted by Council.
  - D. When required by Council, bonding or other surety in such kind and amount as shall be acceptable to Council.
  - E. As a part of the permit application, the applicant shall consent and agree that the Borough, its employees, agents and assigns, at the Borough's election, shall have the right to enter at any time and without notice upon the premises of the applicant for the purpose of inspecting, testing, repairing, removing or causing the removal of any retaining tank which remains in place in violation of this Part. This right of entrance shall extend to all employees of the Borough, the Borough Engineer and Solicitor and any entity employed by the Borough with regard to the matter. All costs, fees and expenses incurred by the Borough, its agents and employees as set forth above shall be the responsibility of and shall be collectible from the applicant in addition to any other penalties under this Part or State law or regulation.
6. In the case of an existing or new privy being used at a vacation home or camp as defined herein, Council may authorize a short form application and renewal form and a reduced fee.

(Ord. 959, 11/13/1995, §4)

**§18-305. Permit Term and Renewal.**

1. 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 Borough Council in specific cases. Term of up to two years may be set for specific permits for privies as set forth in §18-304 located at a vacation home or camp.
2. Permits may be renewed upon expiration of their term by application as set forth in §18-304.
3. In the event that a landowner retaining a valid permit shall intentionally or negligently violate the provisions of this Part during the term of his permit, as determined by a hearing before the Borough Council, no renewal permit shall thereafter be issued to such landowner and the current permit may be revoked.

(Ord. 959, 11/13/1995, §5)

**§18-306. Removal of Retaining Tank.**

1. Absent the grant of a renewal permit prior to the lapse of an existing permit or the revocation of an existing permit, the landowner shall remove or cause the removal of the retaining tank within 20 days of the end of the term for which the permit has been issued.
2. In the event a retaining tank permit has been issued for new construction pending the installation of offsite or other onsite disposal system, the landowner shall remove or cause the removal of the retaining tank within 20 days after the use of the offsite or other onsite disposal system is made available to the landowner and shall connect the offsite or other onsite disposal system at the same time.

(Ord. 959, 11/13/1995, §6)

**§18-307. Requirements of the Retaining Tank.**

1. Any retaining tank installed or maintained pursuant to a permit issued under this Part shall comply, in all respects, with the specification set forth in the regulations of the Department, 25 Pa. Code, Chapter 73, inclusive and all other applicable Department regulations.
2. The landowner shall cause the retaining tank and all lines, pipes or conduits to the same to be maintained in good, watertight condition at all times.

## SEWERS AND SEWAGE DISPOSAL

3. All retaining 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.
4. No retaining tank or lines to the retaining tank shall be covered until the Borough's officer shall have first inspect and approved the installation and authorized the covering of the same. The landowner shall be responsible for furnishing the Borough's officer with reasonable notice of the installation.
5. The landowner shall cause the retaining 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.
6. Retaining tanks shall be installed within the setback lines of the property and at least 50 feet and downgrade and away from any source of water supply.
7. Only sewage as defined herein may be discharged into a retaining tank.

(Ord. 959, 11/13/1995, §7)

### **§18-308. Inspections and Certification of Pumping.**

1. Any landowner who applies for and receives a permit for the installation and use of retaining tanks shall be deemed to have granted his consent for inspections of the retaining tank and facilities used in connection with the retaining tank by the Borough, its employees, agents and assigns. No notice of inspection or formal request need be made.
2. Any landowner receiving a retaining tank permit shall furnish to the Borough a true and correct copy of all pumping receipts for cleaning or removing the contents of the retaining tank. Such copies shall be mailed to or delivered to the Borough Secretary within 10 calendar days after the contents of the retaining tanks are pumped out.
3. The failure of a landowner to permit inspection of retaining tanks or equipment or facilities used in connection with the retaining tanks or the failure of the landowner to have the retaining tanks properly maintained and pumped out or the failure of the landowner to furnish pumping receipt 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.

(Ord. 959, 11/13/1995, §8)

### **§18-309. Fines and Penalties.**

1. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$10 nor more

than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. For purposes of assessing fines, such continuous violation shall be counted from the day after the landowner receives written notice from the Borough of violation, served upon him in any manner prescribed by the Pennsylvania rules of Civil Procedure.

2. In addition to an penalties provided for herein, any violation of this Part shall be considered a public nuisance and may be abated by the Borough by seeking appropriate equitable and legal remedies from a court of competent jurisdiction.

(Ord. 959, 11/13/1995, §9; as amended by A.O.

**§18-310. Appeals.**

1. Any person aggrieved by any action of the Sewage Enforcement Officer or by denial of a permit hereunder, shall first appeal to Council.
2. The procedure for appeal shall in all respects conform to the procedure for appeal from denial of a sewage permit by the office of the Borough, as provided by ordinance and law.

(Ord. 959, 11/13/1995, §10)

