

**Prepared By & Return To:**

Blakinger, Byler & Thomas, P.C.  
28 Penn Square  
Lancaster, PA 17603  
(717)-299-1100

Parcel ID # \_\_\_\_\_

**Holding Tank Maintenance Agreement**

THIS AGREEMENT dated \_\_\_\_\_, \_\_\_\_\_ by and between the TOWNSHIP OF LEACOCK (“Township”) with an office address of 3545 West Newport Road, P.O. Box 558, Intercourse, Lancaster County, Pennsylvania and \_\_\_\_\_, with an address of \_\_\_\_\_, Lancaster County, Pennsylvania (whether one or more, “Owner”).

**WITNESSETH:**

**BACKGROUND:** Owner has applied to the township for a permit under the Sewage Facilities Act and regulations to install, maintain, operate and use a holding tank for sewage collection at property located at, Leacock Township, Lancaster County, Pennsylvania, as more specifically described in a deed recorded in the office of the Recorder of Deeds in and for Lancaster County, Pennsylvania at Instrument No. or Deed Book \_\_\_\_\_, Page \_\_\_\_\_, containing approximately \_\_\_\_\_ acres. The request is necessitated by the fact that Owner’s tract is high in nitrates and, because of size, topography, and nature of the use of Owner’s property, the only sewage disposal system that can be installed to meet Owner’s needs in a holding tank. Furthermore, public sewers are not scheduled to be installed in the proximity of the Owner’s tract in the near future. In order to not deprive Owner of any use of his property, Township is willing to issue Owner a holding tank permit, subject to Pennsylvania DEP approval, upon the terms and conditions hereinafter set forth.

**NOW THEREFORE**, in consideration of the mutual promises and covenants herein contained and intending to be legally bound hereby the parties do agree as follows:

1. The holding tank permit and necessary sewage planning modules must be approved by DEP.
2. The holding tank shall be installed and maintained in accordance with the Township's Holding Tank Ordinance, which includes rules and regulations for disposal of the sewage collected in the holding tank, record keeping, annual inspection of the holding tank by the Township Sewage Enforcement Officer, and penalties for any violation of applicable ordinances, regulations or laws, etc., in accordance with the Township's Sewage Management Program, where applicable.
3. The holding tank installed must meet the design standards and specifications set forth in applicable DEP regulations for septic tanks as set forth in 25 Pa. Code 73.31 (b)(1) and shall be approved as to conformance with said standards and installation on the site by the Township Sewage Enforcement Officer.
  - a. Owner shall either deposit in escrow with Township or deliver to Township a bank letter of credit in a form acceptable to the Township, the sum of \_\_\_\_\_ and 00/100 Dollars (\_\_\_\_\_) as security for the proper maintenance of the holding tank and collection and disposal of its contents. Township shall have the right, without prior notice to Owner, to draw upon said escrow to maintain the tank or empty its contents at any time in its sole opinion such action is necessary. If Owner shall deposit cash, Township shall establish an interest-bearing account under Owner's Federal Employer Identification

Number and Owner shall be entitled to the interest accrued thereon if no claims against the escrow fund are ever made by the Township.

- b. Township shall have the right upon thirty (30) days written notice to Owner to demand the escrow be increased to such additional amount as it deems necessary to restore the escrow to such amount as shall then be in effect.
4. Owner shall procure and maintain continuously in effect a contract for the collection and disposal of the holding tank contents with a DEP-approved holding tank cleaner.
5. In the event Owner shall be in violation of any of the provisions of the agreement, Owner shall within five (5) days written notice from Township cease all use of the holding tank until such violation has been abated to the Township's satisfaction.
6. Nothing in this agreement shall be construed to waive or be in conflict with any provisions of the Sewage Facilities Act, its complementing regulations or other applicable laws but shall be construed to impose additional consistent requirements.
7. Applicant represents and warrants to the Township that he, she or they is/are the legal titleholders to the Property served by the holding tank.
8. This agreement shall be binding upon the parties, their heirs, successors and assigns and its intended to be recorded to give notice to future owners of the property of the conditions imposed upon the use of the holding tank located thereon.
9. As a covenant running with the land, Owner hereby agrees that it shall disconnect its building sewer from the holding tank immediately upon being able to connect to any public sewer system owned and operated by Leacock Township or by the Leacock Township Sewer Authority, should such public sewer become available

serve the property, and at such time as the Township or the Authority notifies Owner that public sewer is available to serve the property. Owner shall be “able to connect to public sewer system” of the Township or the Authority at such time as it receives a notice to connect from the Township or the Authority, or, in the alternative, when the sewer main is extended along the Owner’s property in Leacock Township, Lancaster County. Owner further agrees that it will disconnect its building sewer from the holding tank immediately upon being able to connect to an approved on-lot disposal system in the absence of public sewer service.

IN WITNESS OF, the parties have hereunto set their hands and seals this day and year above written.

ATTEST:

TOWNSHIP OF LEACOCK

\_\_\_\_\_  
(Asst.) Secretary

By. \_\_\_\_\_  
(Vice) Chairman

WITNESS:

OWNER

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA )  
 )  
COUNTY OF LANCASTER ) SS:

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, the undersigned officer, personally appeared \_\_\_\_\_, and \_\_\_\_\_, who acknowledged themselves as being the owners of the property in the Township of Leacock, Lancaster County, Pennsylvania, and that they as such owners, executed the foregoing Holding Tank Maintenance Agreement, for the purposes therein contained, by signing.

IN WITNESS OF, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

COMMONWEALTH OF PENNSYLVANIA )  
 )  
COUNTY OF LANCASTER ) SS:

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, the undersigned officer, personally appeared Gerald E. Graham and Jenifer L. Baxter who acknowledged themselves as being the (Vice) Chairman and (Asst.) Secretary of the Board of Supervisors of the Township of Leacock Township, Lancaster County, Pennsylvania, and that they, as such officers, being authorized to do so, executed the foregoing Holding Tank Maintenance Agreement, for the purposes therein contained, by signing the name of such Township by themselves as such officers.

IN WITNESS WHEREOF, I here unto set my hand and official seal.

\_\_\_\_\_  
Notary Public