

**BARRETT TOWNSHIP
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2026- 211

**AN ORDINANCE OF BARRETT TOWNSHIP, MONROE COUNTY,
PENNSYLVANIA, REGULATING THE INSTALLATION, MAINTENANCE,
AND USE OF HOLDING TANKS WITHIN THE TOWNSHIP;
AUTHORIZING THE ISSUANCE OF PERMITS; PROVIDING FOR FEES;
AND PROVIDING PENALTIES FOR VIOLATIONS.**

The Board of Supervisors of Barrett Township (the "Board"), Monroe County, Pennsylvania, hereby ordains and enacts the following:

SECTION 1. Barrett township's Code of Ordinances, Chapter 400 (Sewers), is hereby amended by adding the following Article II – Holding Tanks:

Article II – Holding Tanks

§ 401-1 – Short Title.

This Ordinance will be known as the Barrett Township Holding Tank Ordinance.

§ 401-2 – Legal Authority.

The Pennsylvania Second Class Township Code authorizes a board of supervisors to make and adopt ordinances that are necessary for the proper management, care and control of the township, and to maintain the health and welfare of the township and its citizens. See 53 P.S. § 66506 ("General Powers"). The Pennsylvania Sewage Facilities Act, commonly known as Act 537, 35 P.S. § 750.1, *et seq.*, requires municipalities to develop a plan for the disposal of sewage within the municipality and makes the municipality ultimately liable to ensure proper sewage disposal. Under Act 537 and accompanying regulations, a municipality may issue permits for the installation of on-lot sewage facilities including retainage facilities like holding tanks. 35 P.S. § 750.7; see also 25 Pa. Code § 71.63. The Township also derives authority to establish a sewage management program from 35 P.S. § 750.7a and 25 Pa. Code Chapter 71, Subchapter E.

§ 401-3 – Legislative Intent and Purpose.

The Board finds that holding tanks, if unregulated, create serious risks to public health and safety, including the contamination of groundwater and surface waters through tank overflow, improper disposal of waste, and the failure of unmaintained systems. Based on the legal authority cited in § 401-2, the purpose of this Ordinance is to establish procedures for the permitting, use, maintenance, and removal of holding tanks designed to receive and retain sewage in residential

and non-residential uses, in conformity with all applicable laws, statutes, and regulations of the Commonwealth of Pennsylvania and the Department of Environmental Protection.

The Board finds that the regulations promulgated by this Ordinance are necessary to:

- A. Protect and provide for the public health, safety, and general welfare of the citizens of Barrett Township; and
- B. Ensure the adequate and safe development and use of property located in Barrett Township.

§ 401-4 – Legal Conflicts.

- A. All prior Township ordinances and resolutions, and parts thereof, that are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed and superseded by the terms of this Ordinance.
- B. If any provision of this Ordinance is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions continue in full force and effect and are not affected, impaired or invalidated. The Board intends that this Ordinance would have been enacted had each and every invalid provision not been included.

§ 401-5 – General Interpretation.

For the purpose of this Ordinance, the present tense shall include the future tense; the singular shall include the plural; words of one gender include all genders; the word “may” is always permissive. This Ordinance is drafted in the active voice using the present tense. The absence of mandatory language does not make any requirement permissive; each requirement stated in this Ordinance is obligatory.

§ 401-6 – Definitions.

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

ACT 537 -- The Pennsylvania Sewage Facilities Act, 35 P.S. § 750.1 et seq., and all regulations promulgated thereunder.

DEP -- The Pennsylvania Department of Environmental Protection

HOLDING TANK -- A watertight retaining tank to which sewage is conveyed by a water-carrying system and that is designed and constructed to facilitate ultimate

disposal of the sewage at another site, as further defined at 25 Pa. Code § 73.1. A holding tank does not treat sewage; it stores sewage for off-site disposal. A holding tank is distinct from a septic tank, which provides anaerobic treatment and discharges effluent to an absorption area.

OFFICIAL PLAN – The Act 537 Official Sewage Facilities Plan of Barrett Township, as adopted by the Board and approved by DEP, together with all revisions and supplements approved by DEP, governing the provision of adequate sewage systems within the Township.

OWNER -- Any person vested with ownership, legal or equitable, sole or partial, of any property located in Barrett Township. The term includes the owner's authorized agent, heirs, successors, and assigns. "Owner" and "landowner" have the same meaning throughout this Ordinance.

REGULATIONS -- The Department of Environmental Protection regulations, 25 Pa Code Chapter 71, 72, and 73 and their amendments.

SEO -- The Township-appointed Sewage Enforcement Officer and any approved alternate.

PLANNING MODULE – A Component 1 Planning Module constituting a revision to the Township's Official Plan, submitted to and reviewed by DEP in accordance with Act 537 and 25 Pa. Code §§ 71.51–71.59, required before the Township may issue a permit for a holding tank proposed for long-term use.

SEWAGE -- Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals; any substance harmful to the public health, 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. § 691.1 et seq.

SHORT-TERM USE – Use of a holding tank for a period not exceeding 12 months from the date of initial permit issuance, during which the use is authorized without a completed Planning Module review under § 401-7(B) solely for the purpose of abating a nuisance or public health hazard caused by a failed on-lot sewage system. Short-term use does not include any use intended or reasonably expected to continue beyond 12 months. The Board may extend the 12-month period by resolution when the owner has timely submitted a Planning Module and DEP's review has not been completed within the 12-month period.

§ 401-7 – Use of Holding Tanks.

- A. **General.** The Township may issue a holding tank permit only in the circumstances described in this section, and only after all applicable requirements of Act 537, the

Regulations, and this Ordinance are satisfied. A holding tank is a disposal method of last resort. No permit issues where an alternative means of sewage collection and disposal is reasonably available.

- A-1 **Planning Module Requirement for Long-Term Use.** When a holding tank is proposed for use as the long-term sewage disposal method for a property – meaning any use not qualifying as Short-Term Use under the definitions in § 401-6 – a Planning Module is required in accordance with 25 Pa. Code § 71.63(c)(1). The Planning Module must be submitted to and approved by DEP before the Township issues a permit. Following DEP approval, the Township may issue a permit in accordance with all applicable state and local requirements. The existence of a Township permit application does not toll or substitute for the Planning Module review process.
- A-2 **Short-Term Use – Planning Module Not Required.** When a holding tank is proposed solely as a short-term measure to abate a public health hazard caused by a failed on-lot sewage system, as described in § 401-7(B), a Planning Module is not required before the Township issues a permit, and a permit may be issued directly by the Township upon satisfaction of all conditions in § 401-7(B). Short-term use is subject to the time limit and conversion requirement in § 401-7(B)(5).
- B. **Existing Construction – Failed System (Nuisance/Abatement Exception – Short-Term Use).** A holding tank permit may be issued for an existing structure, without a Planning Module, when all of the following conditions are met:
- (1) The on-lot sewage system serving the property has failed or malfunctioned.
 - (2) No other viable alternative means of sewage collection and disposal is reasonably available to the property.
 - (3) The failed or malfunctioning system is creating a hazardous health condition or is contaminating groundwater sources, such that the Township or DEP has determined that use of a holding tank is necessary to abate a nuisance or a public health hazard under 25 Pa. Code § 71.63(d).
 - (4) Sewage flows from the property do not exceed 500 gallons per day, consistent with the design flow for a four-bedroom dwelling under 25 Pa. Code § 73.17.
 - (5) **Short-Term Limit and Conversion Obligation.** A permit issued under this subsection B authorizes Short-Term Use only. The permit may not be renewed beyond a cumulative total of 12 months from the date of initial issuance unless the Board grants an extension by resolution under the definition of Short-Term Use in § 401-6 (requiring timely DEP submission with review pending). If the owner intends to continue using a holding tank beyond the 12-month limit, the owner must submit a Planning Module to DEP within 6 months of initial permit issuance and must provide the Township with written evidence of that

submission. Failure to submit the Planning Module within 6 months is a violation of this Ordinance. Upon expiration of the 12-month period without a DEP-approved Planning Module and a new permit issued under § 401-7(C) or (D), as applicable, the owner must remove or properly abandon the holding tank under § 401-10.

- (6) The property is not used, and is not licensed or advertised for use, as a Short-Term Rental as defined in Chapter 391 of the Barrett Township Code of Ordinances. A permit issued under this subsection is void if the property is subsequently licensed, advertised, or operated as a Short-Term Rental during the permit term.

C. Non-Residential Uses – Institutions and Commercial Establishments (Long-Term; No Planning Module Required). A holding tank permit may be issued for a non-residential use, including institutions, recreational vehicle dump stations, and commercial establishments, when all of the following conditions are met:

- (1) No other viable alternative means of sewage collection and disposal is reasonably available to the property.
- (2) Sewage flows from the use do not exceed 800 gallons per day.
- (3) The use qualifies for the non-residential exception under 25 Pa. Code § 71.63(e), which exempts institutions, recreational vehicle dump stations, and commercial establishments with flows under 800 gpd from the Planning Module requirements of § 71.63(c)(1) and (2). A Planning Module is therefore not required under this subsection C.

D. Existing Residential Property – Failed System, Long-Term Use (Planning Module Required). If an owner whose holding tank was issued under § 401-7(B) as Short-Term Use intends to continue use beyond the 12-month limit, or if an owner of an existing property with a failed system seeks a permit intended from the outset to be permanent, a Planning Module is required. This subsection also applies where an approved remediation process, such as the construction of an engineered fill to create suitable soil conditions for an on-lot sewage system, requires a period exceeding the Short-Term Use limit. In that case the owner must demonstrate to the SEO that a DEP-approved remediation plan is in place with a defined completion schedule, and that schedule must be incorporated into the Planning Module. Sewage flows from the property may not exceed 500 gallons per day, consistent with the design flow for a four-bedroom dwelling under 25 Pa. Code § 73.17. A permit under this subsection D may not be issued until the Planning Module has been reviewed and approved by DEP and all conditions of 25 Pa. Code § 71.63(c) are satisfied, including a DEP-approved replacement schedule and municipal financial assurances.

§ 401-8 – Requirements for Holding Tanks.

- A. **Construction Standards.** The holding tank and all its parts shall be constructed in compliance with DEP regulations, 25 Pa. Code § 73.62, and meet the specifications of 25 Pa. Code § 73.31 relating to standards for septic tanks.
- B. **Minimum Capacity.** The minimum capacity of a holding tank is 1,000 gallons or a volume equal to the quantity of sewage generated in 3 days, whichever is greater.
- C. **Warning Device.** The holding tank must be equipped with a warning device that creates an audible and visual signal at a location on or immediately adjacent to the structure or the tank, indicating when the tank is filled to within 75% of its capacity. The warning device must be visible and audible from outside the structure. An interior-only installation does not satisfy this requirement.
- D. **Waste Disposal Site.** Disposal of waste from a holding tank shall be to a site approved by DEP.
- E. **Pre-Cover Inspection.** The holding tank and its lines and connections may not be covered until the SEO inspects and approves the installation. The owner must give the SEO at least 72 hours written notice before covering. Approval by the SEO does not relieve the owner of any obligation under this Ordinance or the Regulations.
- F. **Isolation Distances.** The holding tank must be installed so that the following minimum horizontal isolation distances are maintained between the tank and each feature listed below, as required by 25 Pa. Code § 73.13(b). Greater distances may be required by the SEO if site conditions warrant.
 - (1) Property line, easement, or right-of-way: 10 feet.
 - (2) Occupied buildings, swimming pools, and driveways: 10 feet.
 - (3) Individual water supply well or water supply system suction line: 50 feet.
 - (4) Water supply line under pressure: 10 feet.
 - (5) Streams, lakes, or other surface waters: 25 feet.
 - (6) Cistern used as a water supply: 25 feet.

The distances listed above reflect the requirements of 25 Pa. Code § 73.13(b) as of the effective date of this Ordinance and are provided for the convenience of applicants. The operative legal standard is 25 Pa. Code § 73.13(b) as amended from time to time by DEP. If DEP amends § 73.13(b) after the effective date of this Ordinance, the amended regulatory distances apply to all permit applications submitted on or after the effective date of the amendment, without further action

by the Township. In the event of any conflict between the distances listed above and the current text of 25 Pa. Code § 73.13(b), the regulation controls. The SEO must verify and apply the current regulatory distances when reviewing each permit application.

- G. **Owner Maintenance.** The owner is responsible for maintaining and cleaning the tank in a manner that ensures safe operation and prevents overflow, backup into any structure, or discharge to the surface of the ground or the waters of the Commonwealth.

§ 401-9 – Application for Permit.

- A. **Application.** All applications for a permit under this ordinance must be submitted to the SEO. The application must be signed by the owner or all owners of the property on which the holding tank is to be located.
- B. **Permit Fee.** Each application must be accompanied by the permit fee established by resolution of the Board under § 401-15 of this Ordinance.
- C. **Required Submissions.** Before a permit may be issued, the owner must obtain and file with the Township all of the following:
 - (1) **Hauling Agreement.** A written agreement with a DEP-approved sewage hauler to collect, transport and dispose of the contents of the holding tank at a DEP-approved disposal site. The hauling agreement must be current at all times while the permit is in effect. The owner must notify the Township within 10 days if the hauling agreement terminates or the hauler loses DEP approval, and must file a replacement agreement within 30 days of that notification.
 - (2) **Township Indemnification Agreement.** A written agreement with the Township, signed by the owner, to reimburse and indemnify the Township for all liability, costs, and expenses the Township incurs in enforcing compliance, removing the contents of the holding tank, removing the tank, or paying fines arising from the owner's failure to comply with this Ordinance. This agreement must be recorded, at the owner's expense, with the Monroe County Recorder of Deeds, indexed against the parcel by tax parcel identification number, so as to provide constructive notice to successors in interest. The Township Solicitor must approve the form of the agreement before recording.
 - (3) **Maintenance Bond or Letter of Credit.** A maintenance bond or irrevocable letter of credit in favor of the Township, in an amount equal to 100% of the estimated cost of servicing the holding tank for one year. The SEO determines the amount based on the estimated annual pumping cost for the permitted tank capacity, using current market rates for Monroe County. The bond or letter of credit must remain in effect for no less than 24 months. The 24-month

minimum bond term is required to ensure continuous coverage through the first annual renewal, regardless of the one-year permit term. The owner must renew or replace the bond or letter of credit at least 60 days before it expires, and must provide the Township with written evidence of renewal. If the bond or letter of credit lapses, the Township may suspend the permit immediately upon written notice to the owner.

- D. **Permit Term.** A holding tank permit is valid for one year from the date of issuance. The owner may renew the permit annually by submitting a renewal application, evidence that the hauling agreement remains in effect, evidence that the bond or letter of credit remains in effect, the prior year's pumping receipts, and the renewal fee established under § 401-15.
- E. **Transfer of Ownership.** A holding tank permit is not transferable. Upon transfer of ownership of any property served by a permitted holding tank, the former owner must notify the Township in writing within 10 days of the transfer. The new owner must apply for a new permit within 30 days of the transfer and must execute a new Township indemnification agreement. The holding tank may continue in use during this 30-day period provided the existing bond or letter of credit remains in effect.

§ 401-10 – Removal of Holding Tank.

- A. **When Removal is Required.** A holding tank is no longer required, and removal or proper abandonment is required, when any of the following occurs:
 - (1) The property is connected to a public sewer or an approved on-lot sewage disposal system.
 - (2) The permit is revoked under § 401-11(C) and the owner does not obtain a new permit.
 - (3) The structure served by the tank is demolished or rendered permanently uninhabitable.
- B. **Procedure.** Within 30 calendar days of the occurrence of any condition in subsection A, the owner must remove the holding tank or properly abandon it in accordance with DEP regulations. The owner must give the Township prior written notice before removal or abandonment.
- C. **Township Right of Entry and Removal.** If an owner fails to remove or properly abandon a holding tank as required by this section, the Township may, after giving the owner at least 10 days written notice and an opportunity to cure, enter upon the property and remove or cause the removal of the holding tank. "Township" as used in this subsection includes the Township, its employees, and third parties contracted by the Township for this purpose. All costs and expenses of removal are the owner's

responsibility and may be recovered as a municipal lien under the Municipal Claims and Tax Liens Act, 53 P.S. § 7101 et seq., or by any other lawful means.

§ 401-11 – Inspections, Pumping Records, and Permit Revocation.

- A. **Pumping Records.** The owner must retain all pumping receipts from the sewage hauler for a minimum of three years. The owner must submit a copy of all pumping receipts to the Township annually, no later than the permit renewal date, and upon request at any other time.
- B. **Grounds for Revocation.** Any of the following constitutes grounds for permit revocation:
 - (1) Failure to permit inspection of the holding tank or related equipment by the SEO.
 - (2) Failure to submit pumping receipts as required by subsection A.
 - (3) Failure to maintain the hauling agreement required by § 401-9(C)(1).
 - (4) Failure to maintain the bond or letter of credit required by § 401-9(C)(3).
 - (5) Any violation of this Ordinance that the owner fails to correct within the time provided under subsection C.
- C. **Revocation Procedure.** Before revoking a permit, the Township must give the owner written notice stating the grounds for revocation and providing 30 days to cure the deficiency or to request a hearing before the Board of Supervisors. If the owner requests a hearing within that 30-day period, the Township may not revoke the permit until the Board has held a hearing and issued a written decision. The Board must hold the hearing within 30 days of the request and issue a written decision within 45 days of the hearing. The Board's decision is a final Township action subject to appeal under § 401-12.

§ 401-12 – Appeals.

- A. **SEO Permit Decisions.** Any owner aggrieved by a decision of the SEO to deny or conditionally issue a permit under this Ordinance may appeal to the Court of Common Pleas of Monroe County in accordance with 35 P.S. § 750.7 and applicable Pennsylvania Rules of Civil Procedure. The appeal must be filed within 30 days of the SEO's written decision.
- B. **Board Decisions.** Any owner aggrieved by a final decision of the Board of Supervisors under this Ordinance, including a decision on permit revocation under § 401-11(C), may appeal to the Court of Common Pleas of Monroe County by filing a written

notice of appeal within 30 days of the Board's written decision. The notice of appeal must identify the decision being appealed and state the grounds for the appeal.

- C. **No Automatic Stay.** Filing an appeal does not automatically stay enforcement of any decision or requirement under this Ordinance unless a court of competent jurisdiction grants a stay.

§ 401-13 – Violations and Penalties.

- A. **Summary Enforcement.** Any person who violates any provision of this Ordinance is subject to a fine of not more than \$1,000 for each violation, plus costs of prosecution, recoverable before the magisterial district judge with jurisdiction over the location of the violation. Enforcement proceedings are subject to the procedures governing summary offenses under the Pennsylvania Rules of Criminal Procedure. The authority for the fine amount is 35 P.S. § 750.13 (Act 537 civil penalties) and 53 P.S. § 66601 (Second Class Township Code). To the extent these authorities conflict, the greater penalty authorized by Act 537 controls.
- B. **Continuing Violations.** Each day a violation continues constitutes a separate offense, unless the owner demonstrates that circumstances beyond the owner's reasonable control prevent correction. To invoke this exception, the owner must notify the SEO in writing within five days of the date the violation is identified, stating the nature of the impediment and the owner's proposed corrective schedule. The SEO must respond in writing within 10 days, either granting an extension or denying it with stated reasons. Denial of an extension is subject to appeal under § 401-12(B).
- C. **Injunctive Relief.** In addition to or in lieu of summary enforcement, the Township may seek injunctive relief or other equitable remedies in the Court of Common Pleas of Monroe County to enforce compliance with this Ordinance. The Township need not exhaust summary enforcement remedies before seeking equitable relief.

§ 401-14 – Sewage Management Program.

Holding tank permits issued under this Ordinance are subject to any sewage management program established by the Township under Act 537 and 25 Pa. Code Chapter 71, Subchapter E. In the event of a conflict between this Ordinance and a Township-adopted sewage management program, the more stringent provision controls.

§ 401-15 – Fees.

The Board of Supervisors may establish, by resolution, a schedule of fees for permit applications, permit renewals, inspections, and other services under this Ordinance. Fees must reasonably reflect the Township's administrative costs. The Board may amend the fee schedule by resolution at any time. No permit may be issued or renewed without payment of the applicable fee.

§ 401-16 – Effective Date.

This Ordinance takes effect upon enactment and remains in force until modified, amended, or rescinded by the Board of Supervisors of Barrett Township, Monroe County, Pennsylvania.

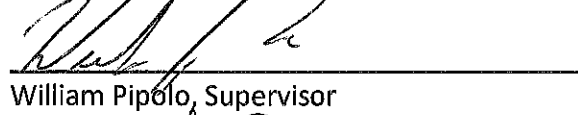
[signatures on next page]

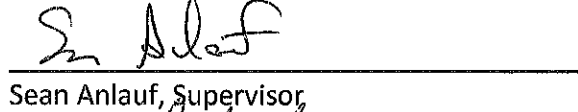
ENACTED AND ADOPTED by the Board of Supervisors of Barrett Township, Monroe County, Pennsylvania, this 27 day of May, 2026.

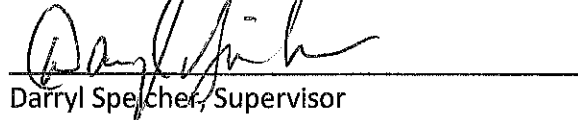
BOARD OF SUPERVISORS OF
BARRETT TOWNSHIP


Grant Hilfiger, Chair

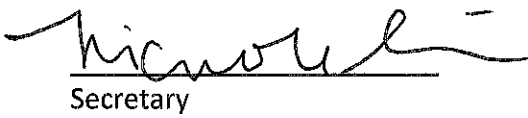

Patti O'Keefe, Vice Chair


William Pipolo, Supervisor


Sean Anlauf, Supervisor


Darryl Speicher, Supervisor

ATTEST:


Secretary

(TOWNSHIP SEAL)

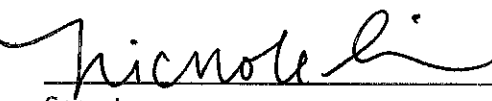
SECRETARY'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 2026-_____ enacted by a majority vote of the Board of Supervisors of Barrett Township at a properly advertised meeting of such Supervisors duly held on May 27, 2026. Present at the meeting were, and a record of their vote was, as follows:

Name	Present	Aye	Nay	Abstain
Grant Hilfiger	☒	☒	☐	☐
Patti O'Keefe	☒	☐	☒	☐
William Pipolo	☒	☒	☐	☐
Sean Anlauf	☒	☒	☐	☐
Darryl Speicher	☒	☒	☐	☐

Further, be it certified that public notice of said meeting was given in the manner provided by law; that said Ordinance shall be duly recorded upon the Minutes of Barrett Township, has not been amended or rescinded, and is in full force and effect this 27 day of May, 2026.

Dated: May 27, 2026


Secretary