HOLDING TANK MAINTENANCE AGREEMENT

BY AND BETWEEN East Cocalico Township, 100 Hill Road, Denver, Pennsylvania 17517 (hereinafter referred to as **"TOWNSHIP"**), and

_____

(hereinafter referred to as **"APPLICANT"**).

BACKGROUND

APPLICANT has applied to **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 **APPLICANT** owns located at _____, East Cocalico Township, Lancaster County, Pennsylvania (hereinafter referred to as **"PROPERTY"**). The request is necessitated by the fact that **APPLICANT** (provide legal basis for permitting holding tank):

_____

_____

_____

_____

In order to not deprive **APPLICANT** use of the **PROPERTY**, **TOWNSHIP** is willing to issue **APPLICANT** a Holding Tank Permit, subject to Pennsylvania Department of Environmental Protection (hereinafter referred to as **"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 do agree as follows:

1. The Holding Tank Permit and the Approval Plan revision must be approved by **DEP** and the Township Sewage Enforcement Officer.

2. The holding tank installed must meet the design standards set forth in applicable regulations (See Pa. Code Section 71.63 as amended) and shall be approved as to conformance with said standards and installation on the **PROPERTY** by the Township Sewage Enforcement Officer.

3. (a) **APPLICANT** shall deposit in escrow with **TOWNSHIP** Five Hundred Dollars ($500.00) 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 **APPLICANT**, to draw upon said escrow to maintain the tank or empty its contents any time if in its sole opinion such action is necessary.

(b) The money so deposited shall not earn interest.

(c) **TOWNSHIP** shall have the right upon thirty (30) days' written notice to demand the escrow be increased to such additional amount as it deems necessary to provide sufficient security for the proper maintenance of the holding tank.

(d) In the event **TOWNSHIP** shall ever draw upon the escrow, **APPLICANT** shall, upon ten (10) days' written notice, provide **TOWNSHIP** with funds as are necessary to restore to such amount as shall then be in effect.

(e) The **TOWNSHIP** may waive escrow for a nonresidential/noncommercial use that is without running water that uses a privy with a concrete vault, providing that within thirty (30) days of the close of school each year, the user will cause the privy/vault to be pumped and forward certification to the **TOWNSHIP**.

4. **APPLICANT** has procured and shall maintain continuously in effect a contract for the collection and disposal of the holding tank contents with a **DEP** approved holding tank hauler. A copy of the Contract is attached to this Agreement.

5. In the event **APPLICANT** shall be in violation of any of the provisions of this Agreement, **APPLICANT** 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 implementing regulations or other applicable laws but shall be construed to impose additional consistent requirements.

7. This Agreement shall be binding upon the parties, their heirs, successors and assigns and is intended to be recorded to give notice to future owners of the **PROPERTY** of the conditions upon use of the holding tank located thereon.

DATED this _____ day of _____, 20____.

EAST COCALICO TOWNSHIP
BOARD OF SUPERVISORS

_____
Chairman

_____
Vice Chairman

_____
Secretary

APPLICANT

_____

_____

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF LANCASTER

ON THIS, the _____ day of _____, 20 ____, before me, _____, the undersigned officer, personally appeared _____ known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunder set my hand and notarial seal.

_____
NOTARY PUBLIC

My Commission Expires: