

Upon motion by HERBERT H. NETZLER, seconded by BENJAMIN J. SITEK, the following ordinance was duly enacted, 3 voting in favor of enactment, 0 voting against enactment.

ORDINANCE NO. 4-91

An Ordinance establishing procedures for the use and maintenance of sewage holding tanks; providing for definitions; authorizing adoption of rules and regulations; providing for the establishment and collection of permit and inspection fees; requiring Township and County health permits; providing for the disposal of sewage from holding tanks at the direction and control of Franklin Township; providing for pumping receipts and annual reports; requiring the property owner to maintain the holding tank in compliance with Township requirements; providing for inspection; providing for the collection, transport and disposal of the contents of tanks; establishing penalties for violations of the Ordinance; providing for abatement of nuisances; and including severability and repealer provisions.

WHEREAS, after due and timely notice by publication, as required by law, and as a result of a public hearing held hereon, the Board of Supervisors deem it necessary to enact within Ordinance;

WHEREAS, the Supervisors of Franklin Township, Erie County, Pennsylvania deem it necessary and advisable for the welfare, health, safety and protection of the citizens of Franklin Township in their person and property that within Ordinance be adopted.

BE IT ENACTED AND ORDAINED by the Supervisors of Franklin Township, Erie County, Pennsylvania, and it is hereby enacted and ordained as follows:

SECTION 1. PURPOSES. The purpose of this Ordinance is to establish procedures for the use and maintenance of existing and new holding tanks designed to receive and retain sewage whether from industrial, commercial or residential uses. It is hereby declared all new construction shall comply with the terms of this ordinance and shall utilize a holding tank or other system approved by D.E.R. 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 this municipality.

SECTION 2. DEFINITIONS. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

A. "AUTHORITY" shall mean Supervisors of Franklin Township, Erie County, Pennsylvania.

B. "HOLDING TANK" means 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 the sewage at another site.

C. "IMPROVED PROPERTY" shall mean any property within Franklin 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 to a Holding Tank.

D. "OWNER" shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in Franklin Township.

E. "PERSON" shall mean any individual, partnership, company, association, corporation or other group or entity.

F. "SEWAGE" shall mean any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings 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.

G. "MUNICIPALITY" shall mean Franklin Township, Erie County, Pennsylvania.

SECTION 3. RIGHT AND PRIVILEGES GRANTED. The Authority is hereby authorized and empowered to undertake within Franklin Township the control and methods of holding tank use, sewage disposal and sewage collection and transportation thereof.

SECTION 4. RULES AND REGULATIONS. The Authority is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein.

SECTION 5. RULES AND REGULATIONS TO BE IN CONFORMITY WITH APPLICABLE LAW. All such rules and regulations adopted by the Authority shall be in conformity with the provisions herein, all other Ordinances of Franklin Township, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

SECTION 6. RATES AND CHARGES. Any application for a sewage holding tank shall be accompanied by a non-refundable application and review fee of \$100.00 for industrial and commercial owners and \$25.00 for residential owners made payable to Franklin Township; and each year thereafter the owner of lands in which a sewage holding tank is located shall pay to Franklin Township an annual inspection fee of \$100.00 for industrial and commercial owners and \$25.00 for residential owners for each sewage holding tank on the owner's property in order to reimburse Franklin Township its costs for the annual holding tank inspections required of Franklin Township. The fees established hereunder may from time to time hereafter be reviewed by the Board of Supervisors and, where appropriate, be changed by resolution of the Board of Supervisors

duly adopted at a regularly scheduled public meeting of the Board of Supervisors of Franklin Township. No approvals hereunder shall be granted by the Township until all fees under this Ordinance have been paid to Franklin Township, and the owner or tenant has been issued an on-lot sewage disposal permit by the County of Erie Department of Health. The municipality 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.

SECTION 7. EXCLUSIVENESS OF RIGHTS AND PRIVILEGES.

A. The Authority may delegate the collection and disposal of the Holding Tank contents to the Improved Property Owner. The Authority will have ultimate responsibility for proper collection and disposal of the contents.

B. The Authority will receive and retain pumping receipts for the permitted Holding Tank. The Authority shall have the right at any time to obtain and/or review copies of any pumping receipts and records held by the Improved Property Owner.

C. The Authority will complete and retain annual inspection reports for each permitted tank.

SECTION 8. DUTIES OF IMPROVED PROPERTY OWNER. The owner of an improved property that utilizes a holding tank shall:

A. Obtain a permit for the Holding Tank from the Erie County Health Department.

B. Dispose of the sewage in the Holding Tank only at sites which are approved by the Pennsylvania Department of Environmental Resources. The Authority will have ultimate responsibility for disposal of all sewage from the Holding Tank.

C. Maintain the Holding Tank in conformance with this or any Ordinance of Franklin Township, the provisions of any applicable law, and the rules and regulations of the Authority and any administrative agency of the Commonwealth of Pennsylvania.

D. Permit only the Authority or its agents to inspect Holding Tanks on an annual basis.

E. Permit only the Authority or its agents to collect, transport, and dispose of the contents therein.

F. In the case of industrial and commercial owners, post a bond with the Authority with sufficient surety, as determined by the Authority, to insure proper operation and maintenance of the Holding Tank. The bond shall also be sufficient to pay for the cost of cleaning, closure and removal of the Holding Tank by the Authority. The bond may also be used by the Authority to pay all or part of any fines which may be levied by any agency against Franklin Township for improper operation of the Holding Tank.

SECTION 9. MUNICIPAL LIENS. Any Improved Property Owner that utilizes a holding tank shall be responsible for all fees associated therewith as provided by this Ordinance. Failure to pay said fees within 30 days of the date said fees become due shall subject the Improved Property Owner to the imposition of a municipal lien as provided by 53 Pa.C.S.A. § 7101, et.seq.

SECTION 10. VIOLATIONS. Any person who violates any provisions of Section 8 shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars and not more than Three Hundred (\$300.00) Dollars, and in default of said fine and costs to undergo imprisonment in the County Prison for a period not in excess of thirty (30) days.


SECTION 11. ABATEMENT OF NUISANCE. 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 municipality or appropriate equitable or legal relief from a court of competent jurisdiction. Any and all actions taken by the municipality to abate the nuisance shall be done at the cost of the property owner.

SECTION 12. REPEAL. All Ordinances or resolutions or parts of Ordinances or resolutions, insofar as they are inconsistent herewith, be and the same are hereby repealed.

SECTION 13. SEVERABILITY. 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 Authority, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 14. EFFECTIVE DATE. This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED into an Ordinance this 9th day of July, 1991 by the Supervisors of Franklin Township of Erie County in Lawful Session duly assembled.



Bonnie Bernhardt, Secretary
Franklin Township

FRANKLIN TOWNSHIP ORDINANCE NO. 3-93

AN ORDINANCE AMENDING THE FRANKLIN TOWNSHIP SEWAGE HOLDING TANK ORDINANCE (NO. - 1991), SO AS TO LIMIT THE USE OF HOLDING TANKS TO INDUSTRIAL AND COMMERCIAL PROPERTIES.

WHEREAS, after due and timely notice by publication as required by law, and as a result of a public hearing held hereon, the Board of Supervisors deem it necessary to enact the within Ordinance;

WHEREAS, the Supervisors of Franklin Township, Erie County, Pennsylvania deem it necessary and advisable for the welfare, health and safety of the citizens of Franklin Township in their person and property that the within Ordinance be adopted;

WHEREAS, it is the intention of the Department of Environmental Resources (DER) that the use of holding tanks on residential properties be a temporary measure only.

WHEREAS, DER has limited the use of holding tanks on residential properties to areas where municipal sewer systems are present.

BE IT ENACTED AND ORDAINED by the Supervisors of Franklin Township, Erie County, and it is hereby enacted and ordained as follows:

Section One

Any reference to residential use or owners found in the

Sewage Holding Tank Ordinance is hereby deleted. This specifically applies to Sections One, Six.

Section Two

It is the intention of the Ordinance to limit the Sewage Holding Tank Ordinance to commercial and industrial usages.

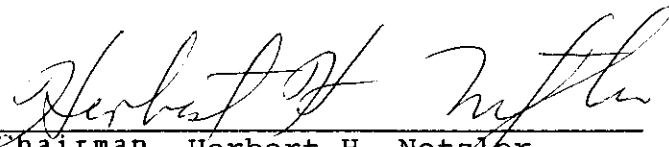
Section Three

Other than as is set forth above, the Sewage Holding Tank Ordinance remains unchanged.

ENACTED AND ORDAINED into an Ordinance this 13th day of JULY, 1993 by the Supervisors of Franklin Township of Erie County in Lawful Session duly assembled.

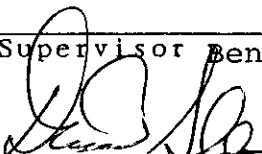


Bonnie J. Bernhardt
Secretary




Chairman Herbert H. Netzler

Supervisor Benjamin J. Sitek



Supervisor David G. Henderson

I hereby certify that the above Ordinance No. 3-93 was duly enacted at a meeting of the supervisors of Franklin Township on the 13th day of JULY, 1993.



Bonnie J. Bernhardt
Secretary, Franklin Township