

Franklin Township

Erie County, Pennsylvania

Retaining Tanks

ORDINANCE No. 1 of 2023

An Ordinance of Franklin Township, Erie County, Pennsylvania, establishing procedures for the use and maintenance of existing and new retaining tanks designed to receive and retain sewage, whether from residential or commercial uses. It is hereby declared that the enactment of this article is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this municipality.

Section 1 Definitions.

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

AGENCY — The Supervisors of Franklin Township, Erie County, Pennsylvania or an agent appointed by the municipality.

IMPROVED PROPERTY — Any property within the 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.

MUNICIPALITY — Franklin Township, Erie County, Pennsylvania.

OWNER — Any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

PERSON — Any individual, partnership, company, association, corporation or other group or entity.

RETAINING TANK — A watertight receptacle, whether permanent or temporary, which receives and retains sewage, where water under pressure or piped wastewater is not available and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.

SEWAGE — Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals 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 or any substance which constitutes pollution under the Clean Streams Law (35 PS §§ 691.1. through 691.1001).

Section 2 Right and privileges granted.

The Agency is hereby authorized and empowered to undertake within the Township the control and methods of retaining tank use, sewage disposal and sewage collection and

transportation thereof.

Section 3 Authority to adopt rules and regulations.

The Agency is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to affect the purposes herein. The Agency hereby adopts those regulations and restrictions set forth in 25 Pa. Code § 71.63, Retaining tanks, and as set forth at 25 Pa. Code § 73.1 et seq., as may be revised from time to time.

Section 4 Rules and regulations to be in conformity with applicable law.

All such rules and regulations adopted by the Agency shall be in conformity with the provisions herein, all other ordinances of the Township, and all applicable laws and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

Section 5 Rates and charges.

The Agency 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, rule, regulation or ordinance.

Section 6 Collection and transportation; permit required; owner responsibilities.

- A. The collection and transportation of all sewage from any improved property utilizing a retaining tank shall be done solely by or under the direction and control of the Agency, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania. The Agency may delegate or contract for the collection and disposal of such sewage, at the owner's expense, if the owner fails to properly do so and that the ultimate responsibility for the proper collection and disposal of the contents shall remain with the owner.
- B. The Agency will receive, review and retain pumping receipts from permitted retaining tanks from the owner.
- C. The Agency will complete and retain annual inspection reports for each permitted retaining tank.
- D. No person shall use, install or maintain a retaining tank without first obtaining a permit from the Agency, which permit shall be in addition to any permits required by the Commonwealth of Pennsylvania.
- E. No person shall install, use or maintain a retaining tank or dispose of sewage from a retaining tank in a manner inconsistent with this article or the rules and regulations of the Pennsylvania Department of Environmental Protection.
- F. The owner of any retaining tank shall collect, transport and dispose of the

contents on a routine basis, or when an inspection indicates a potential for pollution exists.

Section 7 Duties of improved property owner

The owner of an improved property that utilizes a retaining tank shall:

- A. Maintain the retaining tank in conformance with this article or any ordinance of this Township, the provisions of any applicable law, and the rules and regulations of the Agency and any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit the Agency or its agent to inspect retaining tanks on an annual basis.
- C. Permit the Agency or its agent to collect, transport, and dispose of the contents therein, at the owner's expense, should the owner fail to do so as required by this article.
- D. Provide, on a quarterly basis, to the Agency, the pumping and disposal receipts from permitted retaining tanks along with potable water records if available.

Section 8 Violations and penalties

Any person who violates any provisions of this article shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than \$500 and not more than \$1,000 per violation and, in default of said fine and costs, undergo imprisonment in the county prison to the extent allowed by law.

Section 9 Abatement of nuisances

In addition to any other remedies provided in this article, any violation as stated above shall constitute a nuisance and shall be abated by the Agency by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

ENACTED and ORDAINED this 18th day of April 2023.

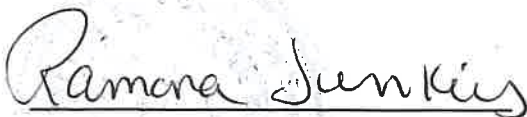


DENNIS HOWARD - Supervisor



ROBERT SIMONELLI, Supervisor

ATTEST:



RAMONA JUNKINS, Secretary



JAMES SACHAR - Supervisor