

**ORDINANCE NO. 2-2000 OF THE
TOWNSHIP OF SOUTH FRANKLIN,
WASHINGTON COUNTY, PENNSYLVANIA**

An Ordinance establishing procedures for the use and maintenance of holding tanks for purposes of providing sewage treatment for Commercial uses so as to protect, benefit and preserve the health, safety and welfare of the inhabitants of South Franklin Township.

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 from Commercial uses and 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. "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.

B. "Improved Property" shall mean 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.

C. "Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

D. "Person" shall mean any individual, partnership, company, association, corporation or other group or legal entity.

E. "Sewage" shall mean 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 the animal or aquatic life or to the use of water for domestic water supply or for recreation.

F. "Municipality" shall mean South Franklin Township, Washington County, Pennsylvania.

G. "Local Co-operative Sanitation Council" shall mean the regional sanitation organization located presently located at 550 Washington Road, Washington, PA 15301 in which the Municipality is a participating member.

Section 3. Rights and Privileges Granted. That the Municipality is hereby authorized and empowered to undertake, within the Township, the control and methods of holding tank use, sewage disposal and sewage collection and transportation thereof.

Section 4. Rules and Regulations. That the Municipality 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. Said rules and regulations shall be enacted and/or adopted by resolution.

Section 5. Rules and Regulations to be in Conformity with Applicable Law. All such rules and regulations adopted by the Municipality 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 6. Rates, Charges and Bond. The Municipality shall have the right and power to fix, alter, charge, set, impose and collect rates, assessments and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law. Additionally, the Municipality shall have the right and power to authorize any person to install and maintain a holding tank, subject to the rules and regulations of the Municipality and subject to the bonding requirements as pertains to the maintenance and servicing of the same which shall be determined and fixed by the Municipality within its or their sole discretion. Said rates, assessments and other charges, as well as the rules and regulations pertaining to bonding requirements or otherwise shall be enacted and/or adopted by resolution.

Section 7. Exclusiveness of Rights and Privileges.

A. The collection and transportation of all sewage from any improved Commercial property utilizing a holding tank shall be done solely by or under the direction and control of the Municipality, 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. Until such time as directed otherwise by the Municipality, it shall be the responsibility of the Owner who uses or intends to use or has a holding tank on his or her premises to obtain and use a person or entity as a licensed and/or approved by the Department of Environmental Protection for the purposes of collection and transportation of all sewage from the holding tank to the disposal site.

B. The Municipality will receive, review and retain pumping receipts from permitted holding tanks.

C. The Municipality will obtain and retain annual inspection reports for each permitted tank.

D. At such time as the Municipality directs the Owner to discontinue and/or cease any further activity as pertains to the holding tank and/or the person or service providing transportation or collection services, the Owner shall immediately comply and therein, no further activity as pertains to the same shall be permitted nor condoned except upon express consent and authorization by the Municipality.

E. At such time as Municipal Sewer Facilities are installed and/or are available for use as pertains to a premises or improved property which is currently being serviced by a holding tank, upon demand by the Municipality to said Owner, the use of the holding tank shall cease and discontinue and therein, the Owner shall make use of the Municipal Sewage System pursuant to the rules, regulations and requirements then in effect and shall make no further use of said holding tank except as may be specifically permitted by the Municipality.

F. The Municipality shall not issue any permit for nor authorize the use of any holding tank for use or service on or for any property for which any sewage treatment facility has been approved or certified by the sewage enforcement officer of the Municipality and/or by the Department of Environmental Protection. Wherein, the Municipality is strictly prohibited from allowing the use of any holding tank on or for any property within the Township that otherwise could be served by another available or approved sewage treatment system.

Section 8. Duties of Improved Commercial Property Owner. The Owner of an improved Commercial property that utilizes a holding tank shall:

A. Maintain the holding tank in conformance with this or any Ordinance of this Township, the provisions of any applicable law and the rules and regulations of the Municipality and any administrative agency of the Commonwealth of Pennsylvania.

B. Permit only the Municipality or its agent to inspect holding tanks on an annual basis or, if directed by the Municipality, have said holding tank inspected on an annual basis by a person or entity certified to do so and thereafter, submit the results of said inspection to the Municipality. Nothing in this Section nor otherwise in this Ordinance shall be construed or interpreted to indicate that the same in any way interferes with any rights, duties, obligations or authorities of the Pennsylvania Department of Environmental Protection.

C. Permit only the person or service authorized by the Municipality and the Department of Environmental Protection to collect, transport and dispose of the contents therein.

D. Provide a bond or similar financial security as accepted by the Municipality conditioned upon compliance with all of the provisions contained in this Ordinance and in an amount sufficient to meet the cost and/or expense of collecting, transporting and disposing of the contents therein, based on maximum capacity, for a number of four (4) procedures. The Municipality may amend and/or alter the amount of the bond and/or financial security required by Resolution and/or set the same by financial security required by Resolution and/or set the same by Resolution at such time or times as deemed appropriate by the Board of Supervisors of the Municipality.

E. Use only such holding tank as is permitted by the Department of Environmental Protection and/or any other regulatory agency, bureau or department that has jurisdiction thereof.

F. Place and/or install the same in conformity with the Zoning Ordinance of the Municipality.

G. Enter into such holding tank agreement as the Township requires.

Section 9. 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 Six Hundred (\$600.00) 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. Each day that a violation exists or continues shall be considered a separate violation.

Section 10. Abatement of Nuisances. 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 by either seeking mitigation of the nuisance of appropriate equitable or legal relief from a Court of competent jurisdiction or to any other means as provided by law or in equity.

Section 11. Delegation of Authority. The Municipality may by Resolution, delegate and/or authorize the local Co-operative Sanitation Council to perform and/or provide any and all of the services, functions, obligations, duties, and responsibilities of the Township as pertain to the provisions of this Ordinance, including but not limited to, the enforcement of violations and/or the abatement of nuisances.

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 Board of Supervisors of the Township that this Ordinance would have been adopted had such constitutional, 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 22ND day of NOVEMBER, 2000, by the Supervisors of South Franklin Township of Washington County, Pennsylvania, in lawful Session duly assembled.

SUPERVISORS OF SOUTH FRANKLIN
TOWNSHIP

ATTEST:

Christine S. Cypert
Secretary

John O'Hart
Supervisor

William J. Hubon
Supervisor

Tommy F. Miller
Supervisor