

**FRANKLIN TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1 of 2005

AN ORDINANCE AMENDING THE OLDS (ON-LOT DISPOSAL SYSTEM) MANAGEMENT PROGRAM ORDINANCE TO PROVIDE FOR A NEW ON-LOT MANAGEMENT DISTRICT 2-A; TO MODIFY EXISTING DISTRICTS TO EXCLUDE THOSE AREAS ENCOMPASSED BY THE NEW DISTRICT 2-A; AND, TO PROVIDE FOR MANDATORY PUMPING OF ON-LOT SYSTEMS IN DISTRICT 2-A ON A BIENNIAL BASIS.

BE IT ENACTED AND ORDAINED by the Board of Supervisors in and for the Township of Franklin, York County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1: SHORT TITLE

This Ordinance shall be known as the OLDS (On-Lot Disposal System) Management Program Amendment Ordinance.

SECTION 2: LEGISLATIVE INTENT AND APPLICABILITY

The background of this Ordinance and the legislative intention of the Board of Supervisors (“Board”) in enacting it are as follows:

- (A) The Township of Franklin is a municipal township of the second class.
- (B) Under the authority of the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.1, *et seq.*, known as Act 537, the Township has the power and the duty to provide for adequate sewage treatment facilities for lands within the Township.
- (C) The Board, pursuant to its powers under Act 537 and the approval of the Pennsylvania Department of Environmental Protection, has amended its Act 537 Plan to provide for the creation and delineation of a new On-Lot Management District 2-A for the purpose of imposing specific system maintenance requirements upon the owners of land within District 2-A.
- (D) The Board desires to amend the Franklin Township OLDS (On-Lot Disposal System) Maintenance Program Ordinance, Ordinance No. 1 of 1995, to provide for the creation and delineation of a new On-Lot Management District 2-A for the purpose of imposing specific system maintenance requirements upon the owners of land within District 2-A and thereby promoting consistency between the Ordinance and the Township’s Act 537 Plan.

SECTION 3. ON-LOT MANAGEMENT DISTRICT 2-A CREATED

Section II [Terms and Definitions] of Ordinance No. 1 of 1995, the Franklin Township OLDS Maintenance Program Ordinance, is hereby amended by the insertion, in proper alphabetical sequence, of the following term:

ON-LOT MANAGEMENT DISTRICT NO. 2-A -- All of those properties situated within the boundaries of the Clear Springs Study Area as depicted on Exhibit 1, attached hereto, and as more particularly described in the approved Act 537 Plan Update (2004) for such area.

The areas of all existing On-Lot Management Districts as presently described and contained in Section II of Ordinance No.1-1995 are amended to delete any land encompassed by On-Lot Management District No. 2-A as created hereby.

SECTION 4. MAINTENANCE REQUIREMENTS FOR SYSTEMS WITHIN ON-LOT MANAGEMENT DISTRICT 2-A.

Paragraph 1 of Section IX [Maintenance] of Ordinance No. 1 of 1995, the Franklin Township OLDS Maintenance Program Ordinance, is hereby amended to state in its entirety as follows:

1. Any person owning a building served by an on-lot sewage disposal system shall have the septic tank pumped by a qualified Pumper/Hauler after the effective date of this part based on the following schedule:

- A. Properties located in On-Lot Management District No. 1:
Within one (1) year of effective date of Ordinance No. 1 of 1995.
- B. Properties located in On-Lot Management District No. 2:
Within one (1) year of effective date of Ordinance No. 1 of 1995.
- C. Properties located in On-Lot Management District No. 2-A:
Within one year of effective date of this Ordinance, excepting those systems which have been pumped and reported within the one year period prior to the effective date of this Ordinance, in which event within two years from the date of pumping.
- D. Properties located in On-Lot Management District No. 3:
Within one (1) year of effective date of Ordinance No. 1 of 1995.
- E. Properties located in On-Lot Management District No. 4:
Within one (1) year of effective date of Ordinance No. 1 of

1995.

- F. Properties located in On-Lot Management District No. 5:
Within one (1) year of effective date of Ordinance No. 1 of 1995.
- G. Properties located in On-Lot Management District No. 6:
Within one (1) year of effective date of Ordinance No. 1 of 1995.

Thereafter, and with the exception of On-Lot Management District No. 2-A, that person shall have the tank pumped at least once every three (3) years. All persons owning properties within On-Lot Management District No. 2-A shall thereafter have the tank pumped at least once every two (2) years. Signed Reports/Receipts from the Pumper Hauler shall be submitted to the Township.

SECTION 4: ORDINANCE NO. 1 OF 1995 NOT REPEALED.

In all other respects, Ordinance No. 1 of 1995 shall remain as heretofore enacted, ordained and amended.

SECTION 5: SEVERABILITY.

If any sentence, clause, phrase or section 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, phrases, sections or parts of this Ordinance.

It is hereby declared as the intention of the Board of Supervisors of this Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, phrase, section or part thereof not been included therein.

SECTION 6: REPEALER

Any other Ordinance or parts thereof inconsistent with this Ordinance be and are hereby expressly repealed.

[THIS SPACE LEFT BLANK INTENTIONALLY]

SECTION 7: EFFECTIVE DATE

This Ordinance shall become effective as provided by law.

ENACTED AND ORDAINED this 17 day of February, 2005.

ATTEST:

Linda J. Hansen
Linda J. Hansen, Secretary

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS**

By: Edward Balsavage
Edward Balsavage, Chairman

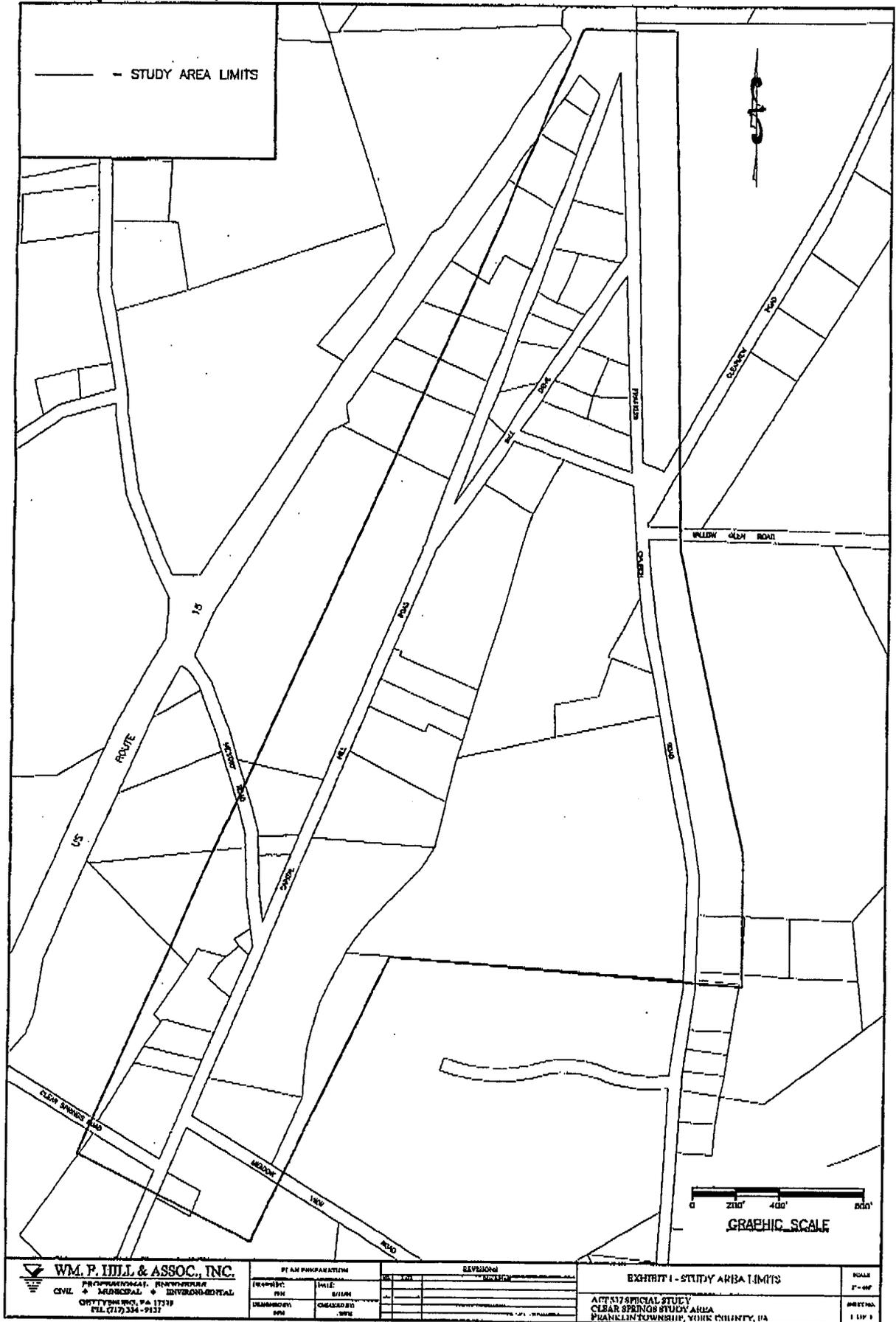
By: Larry Lambert
Larry Lambert, Vice Chairman

By: Naomi Decker
Naomi Decker

By: Donald Lerew Sr.
Donald Lerew, Sr.

By: John L. Shambaugh
John Shambaugh

Clear Springs Study Area Limits



FROM
Act 537
UPDATE FOR
CLEAR
SPRINGS

CERTIFICATE

I, the undersigned, Secretary of the Township of Franklin, York County, Pennsylvania (the "Township"), certify that: the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township (the "Board"), which was duly enacted by affirmative vote of a majority of the members of the Board at a meeting held on February 17, 2005; said Ordinance has been duly recorded in the Ordinance Book of the Township; said Ordinance has been duly published as required by law; and said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 17 day of February, 2005.

Rinda J. Hansen
Secretary

(SEAL)

