

CATHARINE TOWNSHIP ORDINANCE NO. 54

PRIVY ORDINANCE

BE IT ENACTED AND ORDAINED, by the Catharine Township Supervisors of Catharine Township of Blair 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 privies designed to receive and retain sewage whether from residential or 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. "Privy" means a watertight receptacle, whether permanent or temporary, which receives and retains sewage where water under pressure or piped waste water is not available 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 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 entity.
- E. "Sewage" is any substance defined as sewage in 35 P.S. Section 691.1 as supplemented and/or amended.
- F. "Municipality" shall mean Catharine Township, Blair County, Pennsylvania.

Section 3. Rules and Regulations. The Municipality, may adopt such rules and regulations concerning sewage and privies which it may deem necessary from time to time to affect the purposes herein. _

Section 4. Rules and Regulations to be in Conformity with Applicable Law. All 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 5. Permit . No person may have and use a privy without a permit issued by the Municipality. The municipality may charge a reasonable and uniform fee for the issuance of said permit.

Section 6. Condition of Privy Use.

- A. The property owner must show that site and soil suitability testing of the lot has been conducted by the Sewage Enforcement Officer and that the site meets the Title 25, Chapter 73 (Standards for Sewage Disposal Facilities) requirements for the ultimate sewage disposal by an approved on-lot system if water under pressure becomes available to the lot. This requirement may be waived upon application by the owner and supporting information concerning the request for waiver.
- B. At such time that water under pressure or piped waste water becomes available, the property owner must remove the privy and replace the privy with an approved on-lot system or connect to the piped waste water system.
- C. This ordinance does not apply to temporary use of portable retention tanks where their use is proposed at construction sites or at the site of public gatherings and entertainment. Temporary use shall not exceed 3 months without the approval of the municipality.
- D. Specific conditions for use of privies shall be incorporated in the permit application and permit for the proposed use of a privy.
- E. The Municipality, and/or its authorized agent, is provided the opportunity to inspect the privy for proper operation, maintenance and content disposal.

Section 7. Exclusiveness of Rights and Privileges. The collection and transportation of all sewage from any improved property utilizing a privy shall be done solely by or under the direction and control of the Municipality, and/or the Blair County Sanitary Administrative Committee, and/or any other properly licensed and permitted septage hauler, 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.

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

- A. Maintain the privy in conformance with this or any Ordinance of this Township, the provisions of any applicable law, and the rules and regulations of any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit only the Municipality, and/or the Blair County Sanitary Administrative Committee, and/or any other properly licensed and permitted septage hauler, or agent to collect, transport, and dispose of the contents therein.
- C. Abandon the privy consistent with applicable public health and environmental standards and obtain a permit for and install an approved on-lot system meeting Chapter 73 standards in the event that water under pressure becomes available or connects with the piped waste water system in the event that a piped waste water system becomes available.
- D. Permit the Municipality, and/or the Blair County Sanitary Administrative Committee, and/or other properly licensed and permitted septage hauler and/or authorized agent, to enter upon lands to inspect the privy for proper operation, maintenance and contents disposal.

Section 9. Violations. Any person failing to comply with any provision of this Ordinance shall be in violation of this Ordinance and shall be subject to a fine of not less than One Hundred Dollars (\$100) and not more than Three Hundred Dollars (\$300) for each violation. Each day that a violation continues unabated shall constitute a separate violation. In the event of nonpayment of the above-mentioned fine, the Catharine Township Board of Supervisors shall institute civil proceedings before a magisterial district judge for collection of all fines, costs and fees allowed pursuant to the Second Class Township Code (53 P.S. Section 66601 as supplemented and amended).

Section 10. Abatement of Nuisances. In addition to any other remedies provided in this Ordinance, any violation of this Ordinance may be abated by the municipality or its agent by appropriate equitable or legal relief from a court of competent jurisdiction.

Section 11. 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 12. 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 13. Effective Date. This ordinance shall become effective five (5) days after the enacting and ordaining thereof. Enacted and ordained as an Ordinance this _____ day of _____, 2008.