

JEFFERSON TOWNSHIP  
DAUPHIN COUNTY, PENNSYLVANIA

ORDINANCE NO. J-126-2011

PRIVY ORDINANCE

**AN ORDINANCE ESTABLISHING PROCEDURES FOR THE USE AND MAINTENANCE OF EXISTING AND NEW PRIVIES DESIGNED TO RECEIVE AND RETAIN SEWAGE WHETHER FROM RESIDENTIAL OR COMMERCIAL USES.**

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Jefferson Township, Dauphin 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. 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:

- 1 **Agency** shall mean the Board of Supervisors of Jefferson Township, Dauphin County, Pennsylvania.
- 2 **Privy** shall mean a watertight receptacle, either permanent or temporary, designed and constructed to facilitate the ultimate disposal of the sewage at another site, which receives and retains sewage at sites where no piped water under pressure and no piped wastewater is available.
- 3 **Owner** shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.
- 4 **Person** shall mean any individual, partnership, company, association, corporation or other group or entity.
- 5 **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 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 §§691.1–691.1001).
- 6 **Municipality** shall mean Jefferson Township, Dauphin County, Pennsylvania.

**Section 3. Right and privileges granted.** That the Agency is hereby authorized and empowered to undertake within the Municipality the control and methods of privy use, sewage disposal and sewage collection and transportation thereof.

**Section 4. Rules and Regulations.** That 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 effect the purposes herein.

**Section 5. 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 Municipality, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

**Section 6. Rates and Charges.** The Agency shall have the right and power to create, 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. Condition of Privy Use.**

- 1 Except as noted below, in order to install a new privy the 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, Pa. Code Chapter 73 (Standards for Sewage Disposal Facilities) requirements for the ultimate sewage disposal by an approved on-lot sewage disposal system if water under pressure or piped wastewater becomes available to the lot.
  - The conditions of use described in A. above do not apply:
    - To a privy to be used on an isolated lot which is not nor will be served by piped water or water under pressure in the future.
    - To temporary use (7 consecutive days maximum or for any length of time if there is an active construction or building permit for the property) of portable retention tanks where their use is proposed at construction sites or at the site of private or public gatherings and entertainment.
- 2 At such time that piped water or water under pressure becomes available, the property owner must remove the privy and replace the privy with an approved on-lot sewage disposal system.
- 3 Specific conditions for use of privies shall be incorporated in the privy permit application and permit for the proposed use of a privy.
- 4 The Owner must provide the Agency the opportunity to have the privy inspected for proper operation, maintenance and content disposal.

**Section 8. Exclusiveness of Rights and Privileges.** The collection and transportation of all sewage from any property utilizing a privy shall be done solely by a hauler licensed by the Commonwealth of Pennsylvania for such purposes 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. Upon request by the Agency, the Owner must provide proof that sewage collection and transportation has been done according to these requirements.

**Section 9. Duties of Improved Property Owner.** The owner of an improved property that utilizes a privy shall:

- 1 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 the Agency and any administrative agency of the Commonwealth of Pennsylvania.
- 2 Use only haulers licensed by the Commonwealth of Pennsylvania to collect, transport and dispose of sewage and assure that the ultimate disposal of the sewage is done only at sites approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania. Upon request, provide proof to the Agency that collection and hauling of sewage from the privy has been done according to these requirements.
- 3 Abandon the privy consistent with applicable public health and environmental standards and obtain a permit for and install an approved on-lot system meeting Title 25 Pa. Code Chapter 73

standards in the event that piped water, water under pressure or piped wastewater becomes available to the property.

- 4 Permit the Agency to enter upon lands to inspect the privy for proper operations, maintenance and contents disposal.

**Section 10. Violations.** Any person who violates any provisions of Section 7, 8, or 9 shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than Five-hundred (\$500.00) dollars and not more than Five Thousand (\$5,000.00) dollars and no cents, and in default of said fine and costs of undergo imprisonment in the county prison for a period not in excess of 90 days.

**Section 11. Abatement of Nuisances.** In addition to any other remedies provided in this ordinance, any violation of Section 9 above shall constitute a nuisance and shall be abated by the municipality or the Agency by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

**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.

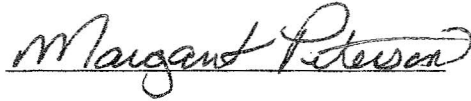
**Section 13. Severability.** If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Board of Supervisors of Jefferson Township that this ordinance would have been adopted has 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 day of <sup>7th</sup> XX day of Month, Year by the Board of Supervisors of Jefferson Township, Dauphin County in Lawful Session duly assembled. <sup>Sept 2011</sup>



Alan R. Loesch, Supervisor



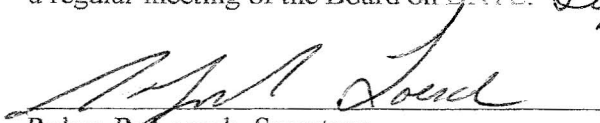
Margaret Peterson, Supervisor



Keith Crum, Supervisor

**CERTIFICATION OF ADOPTION**

I hereby certify the foregoing to be an exact copy of an ordinance adopted by the Board of Supervisors of Jefferson Township, Dauphin County, Pennsylvania, at a regular meeting of the Board on DATE. <sup>Sept 7, 2011</sup>

  
Robyn R. Loesch, Secretary