

ORDINANCE NO. 162 - 1995

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PYMATUNING TOWNSHIP, MERCER COUNTY, PENNSYLVANIA, ESTABLISHING PROCEDURES FOR THE USE AND MAINTENANCE OF EXISTING AND NEW SEWAGE PRIVIES; PROVIDING FOR PERMITS, INSPECTIONS, REGULATION AND FEES; AND IMPOSING FINES AND PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the Sewage Facilities Act of January 24, 1966, P.L. (1965) 1535, (35 P.S. §750.1 et seq.) as amended, authorizes townships to exercise authority relative to the installation, construction, and inspection of individual sewage systems, or community sewage systems; and

WHEREAS, it has been determined that procedures for the use and maintenance of existing and/or new privies designed to receive and retain sewage from park and recreational areas is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of Pymatuning Township, Mercer County, Pennsylvania.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Pymatuning, Mercer County, Pennsylvania, as follows:

Section 1: Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

(a) "Agent" means any employee of Pymatuning Township empowered by the Township of Pymatuning and/or the Commonwealth of Pennsylvania, to enforce the provisions of this Ordinance. The term "Agent" shall include, but shall not be limited to, any certified Sewage Enforcement Officer duly appointed by the Pymatuning Township Board of Supervisors.

(b) "Board" means the Board of Supervisors of Pymatuning Township, Mercer County, Pennsylvania.

(c) "Municipality" shall mean the Township of Pymatuning, Mercer County, Pennsylvania.

(d) "Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, or leasehold, of any property located in the Township of Pymatuning.

(e) "Park" shall mean any tract of land set aside for the benefit of the public and open to the public for recreation, sports, historical exhibitions, etc.

(f) "Person" shall mean any individual, partnership, company, association, corporation for profit or for non-profit, or any other group or entity.

(g) "Privy" shall mean a water tight tank designed to receive 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.

(h) "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 substances 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 which constitutes pollution under "The Clean Streams Law". "Sewage" shall also include "Gray Water" which is further defined as discharged from any shower, tub, sink, washing machine or other facility used for bathing or washing, including dish water and water softener discharge.

Section 2: Right and Privileges Granted. The Board of Supervisors, hereinafter referred to as "Board", is hereby authorized and empowered to regulate as specified herein, within the Municipality, the methods of privy use, sewage collection, transportation and disposal resulting from such use.

Section 3: Rules and Regulations. The Board 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.

All such rules and regulations adopted by the Board, shall be in conformity with the provisions herein, all other Ordinances of the Municipality, and all applicable laws, rules and regulations of the Commonwealth of Pennsylvania.

Section 4: Rates and Charges. The Board shall have the right and power to fix, alter, charge and collect rates, assessments, and other charges in the areas served by privies at reasonable and uniform rates as authorized by applicable law and as may be deemed necessary to implement the provisions of this Ordinance.

Section 5: Exclusiveness of Rights and Privileges.

1. The collection and transportation of all sewage from any park or recreational area utilizing a privy shall be completed under

the direction and control of the Board, or its agent, and the disposal thereof shall be made only at such site or sites as may be approved by the Pennsylvania Department of Environmental Resources of the Commonwealth of Pennsylvania, hereinafter referred to as PA DER, or any successor agency thereof.

2. The Board or its agents shall be provided with pumping receipts from permitted privies and documentation of receipt from a "PA DER" approved receiving station.
3. The Board or its agents will complete and retain annual inspection reports for each permitted privy.
4. The Board or its agents shall permit a privy only for properties that are primarily used as a park or recreational area; or properties where use of a privy shall be deemed necessary to abate a nuisance. In no event shall a privy be permitted by the Board or its agent as a permanent system of sewage disposal for residential or commercial purposes. Owners shall comply with all applicable local, state and federal regulations for privy use.
5. Privies will only be permitted with appropriate Municipality and PA DER approval.

Section 6: Conditions of Privy Use.

A. The Owner must show that site and soil suitability testing of the lot has been conducted by the Municipality's Sewage Enforcement Officer and that the site meets the Pennsylvania Code Title 25, Chapter 73 (Standards for Sewage Disposal Facilities) requirements for the ultimate disposal of sewage by an approved on-lot system if water under pressure or piped waste water becomes available to the lot.

B. At such time that water under pressure becomes available, the Owner must remove the privy and replace the privy with an approved on-lot system.

C. The conditions of use described in Section A, above, do not apply:

1. To a privy that is owned by the United States of America or by the Commonwealth of Pennsylvania and are not nor will not be served by water under

pressure or piped waste water in the future; however, all appropriate PA DER permitting shall be required for these privies.

2. To temporary use of portable retention tanks where their use is proposed at construction sites.

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 Board or its agent shall have the right to inspect the privy for proper operation, maintenance and content disposal.

Section 7: Duties and Responsibilities of the Owner.

A. Privies. Any Owner that utilizes a privy shall:

1. Maintain the privy in conformance with this or any Ordinance or Resolution of this Municipality, and the provisions of any applicable law, rules and regulations of the Commonwealth of Pennsylvania.
2. Permit the Board or its agents to enter upon lands of the Owner to inspect the privy for proper operation, maintenance and content disposal.
3. Provide documentation to the Board or its agent that the hauler selected to collect, transport, and dispose of the contents therein, has disposed of the contents at a receiving station approved by PA DER.
4. Abandon the privy consistent with applicable public health and environmental standards and obtain a permit for and install an approved on-lot system meeting the standards set forth under the Pennsylvania Code Title 25, Chapter 73, Standards in the event that water under pressure or piped waste water becomes available to the property.

Section 8: Abatement of Nuisances. In addition to any other remedies provided in this Ordinance, any violation of Section 7 of this Ordinance shall constitute a nuisance and shall be abated by the Municipality or its agent either by seeking mitigation of the nuisance or appropriate equitable or legal relief from a Court of

competent jurisdiction. The Owner of the property shall be responsible for any cost to the Municipality or its agent relative to the abatement of such nuisance.

Section 9: Violations. Any person who violates any provisions of Sections 5, 6, or 7 hereof, 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 Three Hundred (\$300.00) Dollars, per occurrence, and in default of said fine and costs shall undergo imprisonment for a period not in excess of thirty (30) days. Each day that the violation shall exist shall constitute a separate occurrence.

Section 10: Repeal. All Ordinances or Resolutions or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, shall be and the same are hereby repealed.

Section 11: 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 to be the intent of the Board of Supervisors of Pymatuning Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

Section 12: Effective Date. This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED, this 11th day of May, 1995, by the Board of Supervisors of the Township of Pymatuning, Mercer County, Pennsylvania, in Lawful Session, duly assembled.

PYMATUNING TOWNSHIP, MERCER COUNTY,
PENNSYLVANIA

By: Joseph A. Schickoni
George H. Lercusini
Bernard J. Tiedler, Jr.
(Supervisors)