

ORDINANCE NO. 1998-4
TOWNSHIP OF SCHUYLKILL

AN ORDINANCE OF THE TOWNSHIP OF SCHUYLKILL 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.

BE IT ENACTED AND ORDAINED by the Supervisors of the Township of Schuylkill, Schuylkill 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:

AGENCY – shall mean the Board of Supervisors of the Township of Schuylkill, Schuylkill County, Pennsylvania.

PRIVY – 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.

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

PERSON – shall mean any individual, partnership, company, association, corporation or other group or entity.

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.

MUNICIPALITY – shall mean Township of Schuylkill, Schuylkill County, Pennsylvania.

SECTION 2. Right and privileges granted. That the Agency 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 3. 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 4. 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 Township, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

SECTION 5. Rates and Charges. The Agency shall have the right and power to fix, 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 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 or piped waste water becomes available to the lot.

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

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

1. To a privy to be used on an isolated lot which is one acre or larger and is not nor will not be served by water under pressure in the future.
2. To temporary use of portable retention tanks where their use is proposed at construction sites or at the site of public gatherings and entertainment.

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 authority 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 holding tank shall be done solely by or under the direction and control of the Agency, and the

disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Resources 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 the Agency and any administrative agency of the Commonwealth of Pennsylvania.

B. Permit only the Agency or its 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 or piped waste water becomes available to the property.

D. Permit the Agency to enter upon lands to inspect the privy for proper operation, maintenance and contents disposal.

SECTION 9. Violations. Any person who violates any provisions of Section 6, 7, or 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 Three-hundred (\$300.00) dollars and no cents, 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.

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 or the Agency by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

SECTION 10. 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 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 as the intent of the Board of Supervisors of the Township of Schuylkill, that this ordinance would have been adopted had such constitutional,

illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 12. Effective Date. This ordinance shall become effective upon its final adoption by the Board of Supervisors of the Township of Schuylkill.

ENACTED AND ORDAINED this 20th day of October 1998, by the Board of Supervisors of the Township of Schuylkill, Schuylkill County, Pennsylvania, in lawful session duly assembled.

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF SCHUYLKIL

By Frank Thompson
Frank Thompson, Chairman

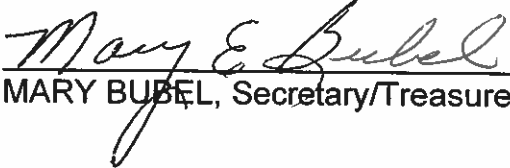
ATTEST:

Mary E. Bubel
Mary Bubel, Secretary

CERTIFICATE

I, the undersigned, Secretary of the Township of Schuylkill, Schuylkill 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 which was duly enacted by affirmative vote of a majority of the members of the Board of Supervisors of the Township at a meeting duly held on 10/20, 1998; that said Ordinance has been duly recorded in the Ordinance Book of the Township; that said Ordinance was duly published as required by law; and that 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 20 day of October, 1998.



MARY BUBEL, Secretary/Treasurer