

BUTLER TOWNSHIP  
PRIVY ORDINANCE

**Ordinance No. 5 of 2019**

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

- A. "Agency" shall mean Supervisors of Butler Township, Adams County, Pennsylvania.
- B. "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.
- C. "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 or animals and from which structure sewage shall or may be discharged.
- D. "Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.
- E. "Person" shall mean any individual, partnership, company, association, corporation or other group or entity.
- F. "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).
- G. "Municipality" shall mean Butler Township, Adams County, Pennsylvania.

Section 3. Right and privileges granted. That the Agency is hereby authorized and empowered to undertake within the Township 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 Township, 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 fix, 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.

- 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, 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.
- B. 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.
- C. The conditions of use described in A. above do not apply:
  - 1. To a privy to be used on an isolated lot in existence prior to May 15, 1972, which is one acre or larger and is not nor will be served by piped water or 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 Agency is provided the opportunity to inspect the privy for proper operation, maintenance and content disposal.

Section 8. 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 Agency, 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 9. 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 a qualified pumper/hauler 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 Title 25 Pa. Code Chapter 73 standards in the event that piped water, water under pressure or piped wastewater becomes available to the property.
- D. Permit the Agency or its agent 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 One-hundred (\$100.00) dollars and not more than One-Thousand (\$1,000.00) dollars, and in default of said fine and costs 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 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.

