

## Part 2

### On Lot Sewer Systems

#### §201. Applicability.

- a. The provisions of the Pennsylvania Sewage Facilities Act (Act No. 537 of January 24, 1966, P.L. 1535, as amended) are hereby made applicable to any single system of piping, tanks or other facilities serving only a single lot, regardless of size or serving two lots or more regardless of size and disposing of sewage in whole or in part into the soil of the property or into any waters of the Commonwealth of Pennsylvania.
- b. Rules and regulations of the Department of Environmental Resources of the Commonwealth of Pennsylvania are hereby made applicable to all persons installing individual sewage systems (as defined in this part) and to all community sewage systems as defined in said Act.

*[Ord. 1-79, 04/23/1979, §1, §2]*

§202. Permits for Rural Residence. A permit shall be required for any “rural residence”. *[Ord. 1-79, 04/23/1979, §3]*

§203. Required Permit. Every person desiring to comply with the provisions hereof shall first make application to the Sewage Permit Officer for a license for a permit, and pay to the Township such sums for application, testing, and issuance of permits as may be set by the Board of Supervisors (from time to time by Ordinance or resolution, as the law may allow), and receive a proper permit before any work is done upon the premises. *[Ord. 1-79, 04/23/1979, §4]*

§204. Violations and Penalties. Any person who shall violate any of the provisions of this Part shall, upon conviction thereof, be guilty of a summary offense and shall be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) and costs, and not more than Three Hundred Dollars (\$300.00) and costs, to be paid to the County of Lancaster, or in default thereof, shall be confined in the county jail for not more than thirty (30) days. Any violations which shall occur after either written notice of violation or service of first notice of prosecution hereunder has been given to the owner of the premises or the person in possession thereof shall be an additional and separate violation for each day after said notice during which the condition shall continue in violation hereof. *[Ord. 1-79, 04/23/1979, §5]*

§205. Validity. The provisions of this Part shall be severable. If any provision hereof shall be held to be unconstitutional, invalid, or illegal by any court of competent jurisdiction; such decision shall not affect the validity of any of the remaining provisions of this Part. It is hereby declared as a legislative intent that this Part would have been enacted had such unconstitutional, invalid, or illegal provisions not been included therein. *[Ord. 1-79, 04/23/1979, §6]*

Part 3

On Lot Sewer Fees

§301. Required Fees. The following fees are adopted and will be collected by the Township in the performance of its duties under the Pennsylvania Sewage Facilities Act:

- a. Prior to a subdivision plan being approved, the following test must be performed and the following fee (s) must be paid:

The fee for digging one probe hole (one probe hole is required for every five acres) shall be: \$40.00

The fee for each one-hole perc test per acre shall be: \$10.00

- b. Prior to a sewer permit or building permit being issued, the following test must be performed and the following fee must be paid:

The fee for performing a complete four hour, 6 hole probe and percolation test per lot shall be: \$165.00

*[Ord. 2-79, 04/23/1979, §1]*

§302. Payment of Fees. The above fees to be charged to the applicant and all checks should be made payable to Clay Township prior to the performance of any of the tests. The payment of the fees specified does not guarantee the issuance of a sewage permit. Should the soil not be suitable for a sewage disposal system, the application will be denied by Township and no permit will be issued. *[Ord. 2-79, 04/23/1979, §2]*

§303. Sewage Enforcement Officer. Clay Township will pay the Sewage Enforcement Officer in accordance with the above fees. *[Ord. 2-79, 04/23/1979, §3]*

Part 4

Sewage Services Planning Amendments

§401. Purpose. Pursuant to the Pennsylvania Sewage Facilities Act, as amended, the purpose of this Part is to regulate the procedures and costs concerning persons who wish to apply for a revision or supplement to the official plan of sewage services of this Township. [*Ord. 3-79, 07/09/1979, Art.I, §101*]

§402. Title. This Part shall be known as “Clay Township Sewage Services Plan Amendment Ordinance”. [*Ord. 3-79, 07/09/1979, Art.I, §102*]

§403. Definitions. The following definitions shall apply:

- a. “Act” is the Pennsylvania Sewage Facilities Act, Act of January 24, 1966 (P.L. [1965] 1535), 35 P.S. Sect. 750.1, et seq., as amended.
- b. “Application” as used herein shall apply to applications for revisions or supplements to the Official Plan.
- c. “Commission” is the Lancaster County Planning Commission or its successor.
- d. “Controls” shall mean any and all applicable laws, regulations, rules, ordinances and policies of Municipality, the Commonwealth (or any administrative agency thereof), the United States (or any administrative agency thereof) and any others having authority.
- e. “Department” is the Department of Environmental Resources of the Commonwealth of Pennsylvania.
- f. “Municipality” is Township of Clay with its principal office located at R.D. #1, Stevens, Pennsylvania, 17578.
- g. “Official Plan” is the comprehensive plan for the provision of adequate sewage systems adopted by Municipality exercising authority or jurisdiction over the provision of such system and submitted to and approved by the Department as provided in the Act.
- h. “Person” is any individual, association, public or private, corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of this Commonwealth, political subdivision, municipality, district authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.
- i. “Revisions” shall be an application requesting a change or changes in the plan, as set forth in Section 5 of the Act and as otherwise conforming to the Act and Rules and Regulations adopted thereunder and all other controls.
- j. “Supplement” as used herein shall refer to applications that already adequately meet the sewage disposal needs of the Township as reflected in the Official Plan.
- k. “Sewage Enforcement Officer” means the official of Municipality who

issues and reviews permit applications and conducts such investigations and inspections as are necessary to implement the Act and the terms and regulations thereunder.

*[Ord. 3-79, 07/09/1979, Art.I, §103]*

§404. Application for Revisions or Supplements. Any person who is a resident or property owner in Municipality may make a written application to the Sewage Enforcement Officer of Municipality for revisions to or supplements to Municipality's Official Plan, which said application shall contain the appropriate components of the DER Planning Modules for Land Development and shall otherwise conform to all Controls. *[Ord. 3-79, 07/09/1979, Art.I, §104]*

§405. Recommendation by Sewage Enforcement Officer. The Sewage Enforcement Officer shall, within twenty (20) days of the receipt of said application, forward to the governing body of Municipality, a statement, along with the application, suggesting whether the said application should be considered as a revision or a supplement to the Official Plan. *[Ord. 3-79, 07/09/1979, Art.I, §105]*

§406. Municipal Review. Upon receipt of the Sewage Enforcement Officer's recommendation, the governing body of Municipality shall, at its next regularly scheduled meeting, by resolution, determine whether the application is a supplement or revision to the Plan. *[Ord. 3-79, 07/09/1979, Art.I, §106]*

§407. Reserved.

§408. Specific Requirements for Supplements.

- a. Each application for review of supplements shall be accompanied by the sum of Thirty and no/100 Dollars (\$30.00) to be applied as a flat charge by Municipality for receipt and processing of the application. *[Ord. 3-79, 07/09/1979, Art.II, §201]*
- b. Every application shall provide, in explicit detail, all information required of applicants for approval of sewage supplements as required by the Rules and Regulations adopted by the Department under the express terms of the Act and shall otherwise conform to all other Controls. *[Ord. 3-79, 07/09/1979, Art.II, §202]*
- c. Upon the governing body of Municipality receiving the completed application for supplement, the governing body shall, within a reasonable period of time, render its determination as to the adequacy of the Official Plan and submit to the Department its decision on whether or not a revision to the Official Plan is necessary. *[Ord. 3-79, 07/09/1979, Art.II, §203]*
- d. Should the determination of the Department be that the application should be considered as a Revision, the application will be returned tot the governing body of the Municipality, which shall notify the applicant to resubmit its application (including any additional fees) in conformance with the other provisions of this Part relating to revisions. *[Ord. 3-79, 07/09/1979, Art.II, §204]*

- e. Upon receipt of approval of a supplement from the Department, the governing body of the Municipality shall certify that the said supplement is incorporated in the Official Plan and shall appropriately note the supplement on the appropriate records of Municipality. *[Ord. 3-79, 07/09/1979, Art.II, §205]*
- f. Should any applicant be aggrieved by any decision of the governing body of Municipality or the Department, said applicant or other party permitted by law to appeal, may appeal the decision in conformance to all Controls. *[Ord. 3-79, 07/09/1979, Art.II, §206]*

§409. Specific Requirements for Revisions.

- a. Each application for revision shall be accompanied by the sum of Fifty and no/1100 Dollars (\$50.00) to be applied as a flat charge by Municipality for receipt and processing of the application. In addition thereto, Applicant shall advance and pay to Municipality concerning such application, including, but not limited to, attorney's fees, advertising costs, engineering fees, and other related and necessary expenses, including specifically all publication and related costs for final revision. Municipality shall make written demand upon the Applicant for additional monies to cover estimated additional expenses before any further proceedings will be conducted regarding the application. *[Ord. 3-79, 07/09/1979, Art.III, §301]*
- b. Every application for revision shall provide, in explicit detail, all information required of persons for approval of revision by all Controls. *[Ord. 3-79, 07/09/1979, Art.III, §302]*
- c. In addition to the requirements set forth in Section 405 hereof, the Sewage Enforcement Officer shall, within twenty (20) days of the date of receipt of any revision application, providing the governing body of Municipality with a written report concerning the feasibility of the proposal, the need of the proposal, the adequacy of the plans as submitted, and recommending either adoption or non-adoption of the proposal. *[Ord. 3-79, 07/09/1979, Art.III, §303]*
- d. Upon the receipt by the Sewage Enforcement Officer's written report the governing body of the Municipality, after such additional investigation as it shall deem necessary, shall issue a determination suggesting acceptance or denial of the application and/or providing for such conditions of acceptance as it may deem appropriate and in the best interests of Municipality and in conformance with applicable Controls. *[Ord. 3-79, 07/09/1979, Art.III, §304]*
- e. Upon making its determination, as set forth in Section 409D hereof, the Municipality shall, in conformance to all Controls, serve its decision upon the Department, the Commission, the Applicant, and any other person required by Controls. *[Ord. 3-79, 07/09/1979, Art.III, §305]*
- f. Upon receipt of the Department's decision approving the revision, the governing body of Municipality shall certify that the said revision is incorporated in the Official Plan and shall appropriately note the revision

on the appropriate records of Municipality. *[Ord. 3-79, 07/09/1979, Art.III, §306]*

- g. Any party aggrieved by the Order of Municipality may appeal to the Department pursuant to the express provisions of applicable Controls. *[Ord. 3-79, 07/09/1979, Art.III, §307]*

§410. Rules and Regulations. Municipality may, by resolution, adopt such reasonable rules and regulations concerning this Part which it may deem necessary, from time to time, to effect the purposes herein. All such rules and regulations adopted by Municipality shall be in conformance with all Controls. *[Ord. 3-79, 07/09/1979, Art.IV, §401]*

§411. Impact of Part. This Part shall in no manner affect the ability of Municipality to take such action, as it deems necessary to revise its Official sewage plan in accordance with the law and regulations adopted thereunder, or to contest any decision of the Department of any other governmental agency. *[Ord. 3-79, 07/09/1979, Art.IV, §402]*

§412. Cost and Processing of Application on Applicant. Applicant shall assume in all instances all costs to Municipality concerning the application and shall in all instances bear the burden of correctly processing the application in conformance to all Controls. *[Ord. 3-79, 07/09/1979, Art. IV, §403]*

§413. Department Requirements and Regulations. It is intent of Municipality that the terms of this Part shall in all respects conform to all requirements of Department. Therefore, requirements of Department shall control where conflicting with this Part, and this Part shall be amended by any amendments to the regulations of Department. *[Ord. 3-79, 07/09/1979, Art.IV, §404]*

## Part 5

### Sewage Holding Tanks

§501. Purpose. The purpose of this Part is to establish procedures for the use and maintenance of temporary holding tanks designed to receive and retain sewage from residential uses only and it is hereby declared that the enactment of this Part is necessary for the protection and preservation of the health, safety, and welfare of the inhabitants of this township. The sole purpose of this Part is to provide for a temporary method of disposing of sewage and it is not in any way intended to provide a permanent method of sewage disposal. [*Ord. 02-83, 06/13/1983, §1*]

§502. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of the terms used in this Part shall be as follows:

- a. “Holding Tank” means a watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site.
- b. “Improved Property” shall mean any property located within Township upon which there is erected a structure intended for continuous or periodic habitation, occupied or used by human beings or animals, and from which structure sewage shall be or may be discharged.
- c. “Other Laws” shall mean all state, local and federal laws, rules, regulations, requirements, and judicial interpretations thereof.
- d. “Owner” shall mean any person vested with ownership, legal or equitable, sole or partial, of any Improved Property.
- e. “Person” shall mean any individual, partnership, company, association, society, corporation or other entity.
- f. “Malfunctioning” shall mean that the sewage system is not operating in the method for which it was intended to operate and/or the use thereof would violate any Township Ordinances or Other Laws.
- g. “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 the animal or aquatic life or to the use of water for domestic water supply or for recreation.
- h. “Sufficient Security” shall mean the sum of \$300.00 in cash paid to the Township, or an irrevocable local bank letter of credit (in form acceptable to the Township Solicitor) in the minimum sum of \$300.00, to be used as security for proper maintenance of the holding Tank and collection and disposal of its contents by Township.
- i. “Township” shall mean the Township of Clay, Lancaster County, Pennsylvania.
- j. “Water Trough” shall mean a Holding Tank used no more than ninety (90) calendar days in any one (1) year for the temporary storage of dish water

waste or similar waste not containing feces, urine and chemicals (other than dish washing type soaps).[Added by Ord. 01-51385, 05/13/1995, §1]

- k. “Clivus System” shall mean a living system using a natural biological decomposition to convert toilet waste into compost. [Added by Ord. 01-07090, 07/1990 §1]
- l. Any other term used herein, shall be defined to adopt by reference any definition used by the Department of Environmental Resources of the Commonwealth of Pennsylvania and barring a definition there, by other Ordinances of the Township of Clay.

*[Ord. 02-83, 06/13/1983, §2]*

§503. Holding Tanks Prohibited. The use of a Holding Tank or Holding Tanks on any Improved Property in the Township is hereby prohibited, unless a permit is first acquired from the Township under the provisions of this Part and all applicable Other Laws are first met. *[Ord. 02-83, 06/13/1983, §3]*

§504. Applications. Any Owner of Improved Property within the Township where such Improved Property’s sewage disposal system is malfunctioning or where public sewage is proposed to be available six (6) months [in the case of properties used exclusively for industrial or commercial uses where public sewage is proposed to be available within the next two (2) years], may make application to the Township Sewage Enforcement Officer for a Temporary Holding Tank Permit. Applications shall be made on the forms prescribed by the Township Sewage Enforcement Officer. A fee for such applications shall be paid as set by resolution of the Board of Supervisors. *[Ord. 02-83, 06/13/1983, §4, as amended by Ord. 01-51385, 05/13/1985, §2 and Ord. 122391, 12/23/1991, §4]*

§505. Conditions. Temporary Holding Tank Permits shall be only granted if the following conditions are met:

- a. A proper application is filed by the Owner of the Improved Property. Such application shall include a detailed drawing of construction of the holding tank and hook up. The application fee is \$50.00. *[Added by Ord. R 04-83, 06/27/1983]*
- b. The Improved Property will be served by public sewer within six (6) months [or in the case of properties used exclusively for industrial or commercial uses, will be served by public sewer within two (2) years] where the Improved Property is experiencing a malfunction of its sewage disposal facilities which cannot be corrected within ten (10) days. *[Ord. 02-83, 06/13/1983, §5, as amended by Ord. 122391, 12/23/1991, §5]*
- c. The ultimate method of sewage disposal will be a method legal under all Township Ordinances and Other Laws, and that ultimate method of sewage disposal will be available and in use within six (6) months [and in the case of property used exclusively for industrial or commercial uses, within two (2) years] from the date of application. *[Amended by Ord. 122391, 12/23/1991, §5]*
- d. The Owner of the Improved Property has provided to Township Sufficient Security as defined in Section 502.H. hereof;

- e. The Owner of the Improved Property shall have executed for recording (at the owner's expense) a Temporary Holding Tank Maintenance Agreement on a form adopted by resolution of the Board of Supervisors of Clay Township;
- f. The sewage enforcement officer of Clay Township and such other of state, local and federal government officials as are necessary have approved the application.

*[Ord. 02-83, 06/13/1983, §5]*

§506. Expiration of Permit. Within six (6) months [in case of properties used exclusively for industrial or commercial uses, within two (2) years] from the date of the Temporary Holding Tank Permit, the Owner of the Improved Property shall either:

- a. Hook up and use available public sewer; or
- b. Fully correct the malfunction.

In any event the Temporary Holding Tank Permit shall expire six (6) months [in the case of properties used exclusively for industrial or commercial uses, in two (2) years] from the date thereof and the Owner of the Improved Property shall already have in effect a Temporary Holding Tank Permit, complied with the provisions of this Section or be in violation of this Part. *[Ord. 02-83, 06/13/1983, §6, as amended by Ord. 122391, 12/23/1991, §6]*

§507. Construction and Maintenance. The construction, maintenance, and erection of all Holding Tanks shall be in strict conformance with all Township Ordinances and Other Laws, including but not limited to, Pennsylvania Department of Environmental Resources regulations. In the event of a Malfunction or public health hazard resulting from holding tanks, the Owner of the Improved Property shall immediately:

- a. Notify the Sewage Enforcement Officer and Board of Supervisors of Clay Township regarding the malfunction;
- b. Notify the Pennsylvania Department of Environmental Resources;
- c. Take steps to repair the Malfunction as well as clean any environmental damage resulting from the Malfunction;
- d. Refrain from using the holding tank until it is repaired;
- e. If any Owner of Improved Property does not comply with this Section, the Owner shall be guilty of a summary offense, and upon conviction thereof shall be sentenced to pay a fine not less than Fifty Dollars (\$50.00) and not more than Three Hundred Dollars (\$300.00) for each day of violation hereof.

*[Ord. 02-83, 06/13/1983, §7, as amended by Ord. 122391, 12/23/1991, §3]*

§508. Clivus System. The use of a Clivus System or one of similar nature approved by the Pennsylvania Department of Environmental Resources shall be permitted, without the necessity to comply with Sections 505 B., 505 C., and 506 hereof, on a permanent basis if the

applicant meets the following additional conditions:

- a. Applicant shall comply with all other provisions of this Part; and
- b. No running water shall be disposed of in the tank; and
- c. Said system shall not be used for more than six (6) months of any one year; and
- d. Said system shall only be allowed where all reasonable alternatives, in the opinion of the Sewage Enforcement Officer, are not reasonably available; and
- e. The permit shall only stay in effect for as long as the Owner properly maintains the Clivus System.

*[Ord. 02-83, 06/13/1983, §8, as amended by Ord. 01-07090, 07/1990, §2]*

§509. Abatement of Nuisances. In addition to any other remedies provided in this Part, any violation of the terms hereof shall constitute a nuisance and may be abated by the Township by either seeking equitable or legal relief from a court of competent jurisdiction. *[Ord. 02-83, 06/13/1983, §8]*

§510. Revocation of Permits. In the event of any violation of the terms of this Part or of any temporary Holding Tank Maintenance Agreement by any person, the Temporary Holding Tank Permit shall be revoked, and the certificate of occupancy for any building, or structure using said temporary holding tank shall be revoked. In the event the violation is corrected, the Owner of the Improved Property shall be required to immediately apply and secure a new permit under the terms and conditions of this Part, which new permit shall have the same expiration date as the previous permit. *[Ord. 02-83, 06/13/1983, §9]*

§511. Exclusiveness of Rights and Privileges.

- a. Owners of Improved Property shall have permitted holding tanks pumped periodically. Pumping shall be at such intervals and under such circumstances as may be required by the most restrictive of Pennsylvania Department of Environmental Resources regulations, and Township Resolutions, and to prevent any overflowing of contents.
- b. Owners of Improved Property must submit pumping receipts from permitted holding tanks to the Township within ten (10) days from payment of receipt (which shall be paid no later than thirty (30) days from billing).
- c. The Township will receive, review and retain pumping receipts from permitted holding tanks in accordance with the standards set by the Pennsylvania Department of Environmental Resources.
- d. Owners of Improved Properties shall allow Township officials to enter onto Improved Property and perform annual inspections of holding tanks.
- e. The Township shall charge a reasonable fee (to be set from time to time by Resolution of the Board of Supervisors) for holding tank inspections, which fee shall be paid by the Owner of the Improved Property within thirty (30) days of receipt of invoice.

- f. The Township shall retain the annual inspection reports in compliance with Pennsylvania Department of Environmental Resources regulations.
- g. The Township inspections shall be conducted from time to time as set by Resolution of the Board of Supervisors, but at least annually.
- h. The Township shall have the right to pump, at any time, at their sole discretion, any holding tank on Improved Property.
- i. If the Township chooses to pump a holding tank on Improved Property, the Owner of the Improved Property shall pay the costs of pumping, plus twenty-five per cent (25%) as the cost of supervision and shall also pay attorneys fees and other costs associated with the pumping of the tank.

*[Added by Ord. 122391, 12/23/1991, §1]*

§512. Penalties. In addition to all the remedies provided by law or in equity, any person who shall violate the terms of this Part shall be guilty of a summary offense, and upon conviction thereof shall be sentenced to pay a fine not less than \$50.00 and not more than \$300.00 for each day of violation hereof. *[Ord. 02-83, 06/13/1983, §10]*

§513. Validity. If any sentence, clause, section or part of this Part 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, clauses, sections or parts of this Part. It is hereby declared as the intent of the Board of Supervisors of the Township, that this part would have been adopted if such unconstitutional, illegal or invalid sentence, clause, section, or part thereof not been included therein. *[Ord. 02-83, 06/13/1983, §12]*

§514. Privies. Unless specifically stated, privies are excluded from the requirements of this section and shall be controlled by the requirements in Part 6 of this Chapter. *[Ord. 071403, on 07/14/03.]*

## Part 6

### Privies

§601 Purpose. The purpose of this Ordinance is to establish procedures for the use and maintenance of existing and new privies assigned 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 Clay Township.

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

- a. “Board” shall mean the Board of Supervisors of Clay Township.
- b. “Privy” shall mean 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.
- c. The terms “Improved Property”, “Owner”, “Person”, “Sewage”, and “Township” shall have the meanings set forth in Section 102 of this Chapter.

§ 603. Rights and Privileges Granted. The Board is hereby authorized and empowered to undertake with the Township the control and methods of privy use, sewage disposal for privies and sewage collection and transportation for privies.

§ 604. 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. In the absence of adoption of rules and regulations by the Board relative to the administration of this Ordinance, the rules and regulations of the Pennsylvania Department of Environmental Resources (DER) or any successor department or administrative agency of the state pertaining to the conditions justifying use of privies, the method of construction and installation of said privies, the method of maintenance of privies and all other matters relative to the use of privies within municipalities shall be considered and deemed rules and regulations of the Township and shall be applied by the Township in the administration of this Ordinance.

§ 605. Rules and Regulations to be in Conformity with Applicable Law. All such rules and regulations adopted by the Township shall be in conformity with the provisions of this Ordinance, all other Ordinances of the Township, and all applicable laws, rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

§ 606. Left blank.

§ 607. Privies Prohibited. The use of a privy on any improved property in the Township is hereby prohibited, unless a permit is first acquired from the Township under the provisions of this Part and all applicable other laws are first met.

§ 608. Applications. Any owner of improved property within the Township where water under pressure or piped waste water is not available, may make application to the Township Sewage Enforcement Officer for a privy permit. Applications shall be made on the forms prescribed by the Township Sewage Enforcement Officer. A fee for such application shall be paid as set by Resolution of the Board.

§ 609. Rates and Charges. In addition to the Permit Application fee, the Township shall have the right and power to fix, alter, charge and collect rates, assessments, and other charges at reasonable and uniform rates as are authorized by applicable law. Any rates, assessments and other charges shall be set by Resolution of the Board.

§ 610. 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) requirement 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 a 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 Board, through its representative, is provided the opportunity to inspect the privy for proper operation, maintenance and content disposal.

§ 611. Exclusiveness of Rights and Privileges. Pursuant to the requirements of the Pennsylvania Sewage Facilities Act and other applicable laws, the Township retains ultimate control regarding the collection and transportation of all sewage from any improved property utilizing a privy. Any disposal of sewage from a privy shall be made only at a site and in a manner approved by the Department of Environmental Resources of the Commonwealth of Pennsylvania.

§ 612. 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 Township and any administrative agency of the Commonwealth of Pennsylvania.

b. At Owner’s expense, collect, transport, and dispose of the sewage from a privy in a manner approved by the Township and the Department of Environmental Resources of the Commonwealth of Pennsylvania.

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 Board, or its representative, to enter upon lands to inspect the privy for proper operation, maintenance and contents disposal.

§ 613. Violations. Any person who violates any provisions of this Part shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not more than \$300.00 per occurrence per day and costs.

§ 614. Abatement of Nuisances. In addition to any other remedies provided in this Ordinance, any violation of this Part shall constitute a nuisance and may be abated by the Township by either seeking appropriate equitable or legal relief from a Court of competent jurisdiction.

§ 615. Repeal. All Ordinances, resolutions or sections of the Clay Township Code of Ordinances, in whole or in part, insofar as they are mutually contradictory herewith, be and the same are hereby repealed, provided, however, that the terms of all other Ordinances, resolutions, or sections of the Clay Township Code of Ordinances or parts thereof shall be interpreted in a manner consistent with this Ordinance.

§ 616. Severability. If any sentence, clause, section or part of this Ordinance is 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 that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

*[Added by Ordinance No. 071403, 07/14/03.]*