

TOWNSHIP OF CASCADE

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ORDINANCE No. 19

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AN ORDINANCE OF THE TOWNSHIP OF CASCADE,  
LYCOMING COUNTY, PENNSYLVANIA ESTABLISHING  
PROCEDURES FOR THE USE AND MAINTENANCE OF  
EXISTING AND NEW PRIVIES.

BE IT ENACTED AND ORDAINED by the Supervisors of  
Cascade Township, Lycoming County, Pennsylvania  
("Township") and it is hereby ENACTED and ORDAINED by the  
authority of the same as follows:

SECTION I: AUTHORITY: This Ordinance is enacted  
pursuant to the Second Class Township Code §1601.

SECTION II: PURPOSE: 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 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.

SECTION III: DEFINITIONS: Unless the context  
specifically and clearly indicates otherwise, the  
meaning of terms used in this Ordinance shall be as  
follows:

A. "Authority" shall mean the Supervisors of Cascade  
Township, Lycoming County, Pennsylvania.

B. "Privy" means 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. "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.

G. "Township" shall mean Cascade Township, Lycoming County, Pennsylvania.

SECTION IV: RIGHTS AND PRIVILEGES GRANTED: That the Authority 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 V: RULES AND REGULATIONS: That the Authority is hereby authorized and empowered to adopt such rules and regulations concerning Sewage which it may deem necessary from time to time to affect the purposes herein.

SECTION VI: RULES AND REGULATIONS TO BE IN CONFORMITY WITH APPLICABLE LAW: All such rules and regulations adopted by the Authority 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 VII: RATES AND CHARGES: The Authority 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 VIII: 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 Office 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 on 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 IX: 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 Authority, 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 X: 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 Authority and any administrative agency of the Commonwealth of Pennsylvania.

B. Permit only the Authority or its agent to collect, transport, and dispose of the contents therein.

C. Abandon the Privy consistent with the 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 Authority to enter upon lands to inspect the Privy for proper operation, maintenance and contents disposal.

SECTION XI: VIOLATIONS: Any person who violates any provisions of Sections VIII, IX or X shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than One Hundred and 00/100 Dollars (\$100.00) and not more than One Thousand and 00/100 Dollars (\$1,000.00), 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 XII: ABATEMENT OF NUISANCES: In addition to any other remedies provided in this Ordinance, any violation of Section X above shall constitute a nuisance and shall be abated by the Township or the Authority by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

SECTION XIII: 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 XIV: 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 nor impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared to be the intent of the Cascade Township Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

SECTION XV: EFFECTIVE DATE: This Ordinance shall become effective five (5) days after the adoption hereof.

ENACTED and ORDAINED this 7<sup>th</sup> day of September, 2004.

ATTEST:

CASCADE TOWNSHIP  
SUPERVISORS

Karin L. Colucci  
Secretary

Gene T. Seay  
Supervisor  
Jeffrey L. Davis  
Supervisor  
Matthew R. Alexander  
Supervisor