

ORDINANCE – 59A

**AN ORDINANCE OF THE TOWNSHIP OF HAINES, CENTRE COUNTY,
PENNSYLVANIA, TO AMEND THE HAINES TOWNSHIP CODE, BY AMENDING
CHAPTER 59, SEWERS, ARTICLE I.**

Be it enacted and ordained by authority of the Supervisors of Haines Township, Centre County, Pennsylvania, and it is enacted and ordained by authority of the same to amend the Code of the Township of Haines, Chapter 59, Sewers, Article I as follows:

SECTION 1 –AMENDMENT OF CURRENT PROVISIONS

Chapter 59

RETAINING TANKS

**ARTICLE I
Holding Tanks and Privies**

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| § 59-1. Purpose. | § 59-8. Installation and maintenance Requirements. |
| § 59-2. Definitions. | § 59.9. Inspections and certification of pumping. |
| § 59-3. Use of holding tanks. | § 59.10. Conditions of privy use. |
| § 59-4. Permit required; application. | § 59.11. Abatement of nuisances. |
| § 59-5. Permit term; renewal. | § 59.12. Violations and penalties. |
| § 59.6. Removal of holding tank. | § 59.13. Appeals. |
| § 59.7. Right of township to enter property. | § 59.14. More restrictive provisions to apply. |

**ARTICLE I
HOLDING TANKS and PRIVIES**

§ 59-1 through § 59-9 remain unchanged and are not amended by this Ordinance.

§ 59-10 through § 59-14 shall be amended to read as follows:

§ 59-10. Conditions of privy use.

1. 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 system if water under pressure becomes available to the lot.

2. 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.

3. The conditions of use described in Subsection 1 above, do not apply to a privy intended to be used on an isolated lot which is one acre or larger; to an isolated lot within an area of less than one acre if the lot is legally nonconforming; and are not nor will not be served by water under pressure or piped waste water in the future; or to legally nonconforming lots in existence at the time of adoption of this Section, however, all appropriate Pennsylvania DEP permitting shall be required for these lots.

4. Specific conditions for use of privies shall be incorporated in the permit application and permit for the proposed use of a privy.

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

§ 59-11. Abatement of nuisances.

In addition to any other remedies provided in this Article I, any violation of Article I shall constitute a nuisance and shall be abated by the Township or its agent either by seeking mitigation of the nuisance or appropriate relief from a court of competent jurisdiction. The owner of improved property shall be responsible for any cost to the Township or its agent relative to abatement of nuisances.

§ 59-12. Violations and penalties.

A. This Article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this Article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 30 days.

B. When any violation continues from day to day, and the landowner fails to correct or cease such violation, each day's continuance shall constitute a separate violation hereunder. For purposes of assessing fines, such continuous violation shall be counted from the day after the landowner receives written notice from the Township of violation, served upon him in any manner prescribed by the Laws of the Commonwealth of Pennsylvania or the rules promulgated by the Courts of the Commonwealth of Pennsylvania.

C. In addition to any penalties provided for herein, any violation of this article shall be considered a public nuisance, and may be abated by the township by seeking appropriate equitable and legal remedies from a court of competent jurisdiction.

§ 59-13. Appeals.

- A. Any person aggrieved by any action of the Sewage Enforcement Officer, or by denial of a permit hereunder, shall first appeal to the Board.
- B. The procedure for appeal shall in all respects conform to the procedure for appeal from denial of a sewage permit by the officer of the township, as provided by ordinance and law.

§ 59-14. More restrictive provisions to apply.

Whenever any ordinance or any part of any ordinance conflicts with the provisions of this article, the more restrictive provision shall apply.

Chapter 59, Article II is not amended by this Ordinance.

SECTION 2 – EFFECTIVE DATE

This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED as an Ordinance of the Township of Haines, this 17th day of FEBRUARY, 2011.

ATTEST:

Susan E. Wernick
Secretary

TOWNSHIP OF HAINES

Paul M. [Signature]
Chair, Board of Supervisors

Deena Homes

Steven P. Breen

