

DELAWARE TOWNSHIP

ORDINANCE NO. 12-00

AN ORDINANCE RESTRICTING THE USE OF CHEMICAL AND OTHER PORTABLE TOILETS IN THE TOWNSHIP AND ESTABLISHING A PERMITTING PROCEDURE AND PENALTY FOR VIOLATION.

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania has determined under the Pennsylvania Sewage Facilities Act and the Clean Streams Act that improper sewage disposal is a hazard to the citizens of Pennsylvania and has provided for the permitting of sewage disposal systems; AND

WHEREAS, the Pennsylvania Code provides for an exception for temporary use of chemical and other portable toilets under 25 Pa. Code Sec. 73.64 at the discretion of the Township, AND

WHEREAS, the Pennsylvania Code under 25 Pa. Code Sec. 73.64 acknowledges that the improper installation or maintenance of chemical and other portable toilets constitute a nuisance; AND

WHEREAS, Delaware Township Board of Supervisors is concerned that chemical and other portable toilets may be used by some to avoid compliance with state, federal or local sewage disposal laws; AND

WHEREAS, Delaware Township Board of Supervisors finds that it is necessary to the health and welfare of the residents of the township and to ensure compliance with the Pennsylvania Sewage Facilities Act and the Clean Streams Act to regulate the use of portable toilets within the Township to prevent a common nuisance;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Delaware Township, Pennsylvania, as follows:

Section 1. No chemical or other portable toilet shall be located on any parcel of land located within the Township of Delaware without a permit unless it qualifies as one of the following exceptions.

A. Use for a one-day one-time event. If the chemical toilet is not within 24 hours of the one-day event such use shall not constitute an excepted use.

B. Chemical toilets located in mobile units such as camper trailers or similar vehicles. If the toilet is located in a unit which is anchored, underpinned, or from which the wheels have been removed it shall not be considered to be located in a mobile unit.

Section 2. Any permit issued will include the following restrictions:

1. It must be cleaned at least every seven (7) days and the company providing the cleaning service shall report such cleaning to the Township.
2. It must be removed within 24 hours after the last day of the permit.
3. It must be placed to avoid being visible from residences or commercial sites located on adjoining land or across a highway.
4. It shall be located to avoid noxious odors from escaping onto neighboring residential or commercial properties.
5. It shall be located to avoid being an attractive nuisance to children

B. An Event Permit may be issued, at a cost of \$10, for use of a chemical toilet for a period of up to seven (7) consecutive days.

C. A Seasonal Permit may be issued, at a cost of \$10 per week, for a series of events occurring on a regular basis. Such Seasonal Permit shall be subject to the restrictions of Subsection A above and an aesthetically satisfactory permanent structure must be erected to ensure that the chemical toilet will not be visible from residences or commercial sites located on adjoining properties or across a highway.

D. A Construction Permit may be issued, at a cost of \$25 per month, for such period of time as reasonably necessary to complete a structure on a given property for which a building permit has been obtained. Such Construction Permit shall be subject to all restrictions set forth in Subsection A and C above.

E. A Business Permit may be issued, at a cost of \$200 per year, to those in the business of leasing such toilets to others. Such toilets shall be stored in a cleaned condition inside a permanent building and may not be left outside such building for more than one hour. Such premises shall be inspected on a regular basis by an agent of the Township.

Section 3. Failure to clean a chemical toilet located in a mobile unit and make a deposit at a proper dump station within one week of use shall also constitute a nuisance and therefore a violation of this ordinance.

Section 4.

A. A violation of this Ordinance shall constitute a summary criminal offense and shall be punishable by a fine of \$100. Each day of violation shall constitute a separate offense.

B. Initial notice of violation and cease and desist order shall be made by personal service or by both regular mail and posting the notice on a chemical toilet on the property.

C. Failure to obtain a permit or to cease and desist the violation shall result in service costs being added as costs to any fine imposed.

Section 5. The Board of Supervisors may by Resolution increase or decrease the cost of Chemical Toilet Permits from time to time as necessary to provide for the supervision of such permits.

Section 6. All ordinances and resolutions, or parts thereof, insofar as the same are inconsistent herewith, are repealed hereby.

ENACTED AND ORDAINED INTO AN ORDINANCE THIS 6th day of
December, 2000.

BY: Arden Saul
Donald J Kimm
Carl R Housek

ATTEST:

Shari J. Ray

