

the date on which the dwelling was certified as unfit for human habitation. If, at the end of one year after the certification of a dwelling as unfit for human habitation, such dwelling has not been certified as fit for human habitation, any moneys deposited in escrow on account of continued occupancy shall be payable to the depositor.

APPROVED—The 24th day of January, A. D. 1966.

WILLIAM W. SCRANTON

---

No. 537

AN ACT

SB 1059

Providing for the planning and regulation of community and individual and community sewage disposal systems; requiring municipalities to submit plans for systems in their jurisdiction; authorizing grants to municipalities; requiring permits for persons installing such systems; authorizing the Department of Health to adopt rules, regulations, standards and procedures; creating an advisory committee; providing remedies and prescribing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short Title.—This act shall be known and may be cited as the “Pennsylvania Sewage Facilities Act.”

Section 2. Definitions.—As used in this act:

(1) “Individual sewage system” means a single system of piping, tanks or other facilities serving only a single lot which is less than one acre in size or serving two lots which are less than one and one-half acres in total area and disposing of sewage in whole or in part into the soil of the property or into any waters of this Commonwealth.

(2) “Community sewerage system” means any system, whether publicly or privately owned, for the collection and disposal of sewage or industrial wastes of a liquid nature, or both, including various devices for the treatment of such sewage or industrial wastes serving three or more individual lots.

(3) “Municipality” means a city, town, township, or borough, or any combination thereof acting cooperatively or jointly.

(4) “Subdivision” means the division of a single tract or other parcel of land, or a part thereof, into three or more lots, and shall also include changes in street lines or lot lines.

---

<sup>1</sup>“the” not in original.

(5) "Lot" means a part of a subdivision or a parcel of land used as a building site or intended to be used for building purposes, whether immediate or future, which would not be further subdivided.

(6) "Official plan for sewerage systems" means a comprehensive plan for the provision of adequate sewerage systems adopted by a municipality or municipalities possessing authority to provide or jurisdiction over the provision of such systems and submitted to and approved by the State Department of Health as provided herein.

(7) "Department" means the Department of Health of the Commonwealth of Pennsylvania.

(8) "Sewage" means 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 substances 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.

(9) "Secretary" means the Secretary of Health of the Commonwealth of Pennsylvania.

(10) "Person" shall include any individual, copartnership, association or private corporation.

(11) "Realty improvement" means any proposed new residence or other building, the useful occupancy of which will require the installation or erection of a sewage disposal system other than one which is to be served by a community water supply and a community sewage system.

(12) "Advisory committee" means the special committee created by the provisions of this act.

Section 3. Rules, Regulations, Standards and Procedures.—The department shall have the power and its duties shall be to adopt such rules, regulations, standards and procedures as shall be necessary to enable it to carry out the provisions of this act, to wit: adoption of standards for construction and installation of community individual and community sewage disposal systems and standards for construction, installation and maintenance of community sewage treatment plants, requirements for disbursement of State and Federal funds to municipalities for planning, personnel and construction of water supply and sewage disposal systems, and review and acceptance of official plans.

Section 4. Advisory Committee.—An advisory committee shall be appointed within three months of the passage of this act and biennially thereafter, membership of which shall be composed of one representative from the following organizations, the name of said representative to be submitted to the secretary within ten days of receipt of request for

same: Pennsylvania State Association of Township Supervisors, Pennsylvania State Association of Boroughs, Pennsylvania League of Cities, Pennsylvania State Association of Township Commissioners, Pennsylvania Association of County Commissioners, Pennsylvania Association of Plumbing Contractors, Inc., Pennsylvania Society of Professional Engineers, Mortgage Bankers' Association, Pennsylvania Home Builders Association, Pennsylvania Society of Architects, County Health Departments, Federal Housing Administration, Bureau of Community Development, Pennsylvania State University, Pennsylvania Municipal Authorities Association, Pennsylvania Section of the American Water Works Association, National Water Companies Conference, Water Pollution Association of Pennsylvania, and such other organizations having a direct interest in the area of water and sewage as the secretary deems necessary.

The advisory committee shall be responsible for annual review of the implementation of the provisions of this act, review and recommendation of rules, regulations, standards and procedures adopted by the department pursuant to this act.

The recommendations of the advisory committee shall be submitted to the secretary who shall give due consideration to the same.

Section 5. Official Plans.—(a) Each municipality shall submit to the department an officially adopted plan for sewerage systems serving areas within its jurisdiction within such reasonable period as the department may prescribe, and shall from time to time submit revisions of such plan as may be necessary.

(b) When more than one municipality has authority over sewerage systems within an area, the required plan or any revision thereof may be submitted jointly by the municipalities concerned or jointly by one or more of the municipalities with the concurrence of the others.

(c) Every official plan, and any revision thereof, shall delineate areas in which community sewerage systems are now in existence, areas where community sewage disposal systems are planned to be available within a ten year period and areas where community sewage disposal systems are not planned to be available within a ten year period.

(d) Every official plan shall:

(1) Provide for the orderly extension of community interceptor sewers in a manner consistent with the needs and plans of the whole area, provided that this section shall not be construed to limit the development of such community facilities at an accelerated rate different than that set forth in the official plan;

(2) Provide for adequate sewage treatment facilities which will pre-

vent the discharge of untreated or inadequately treated sewage or other waste into any waters or otherwise provide for the safe and sanitary treatment of sewage or other waste;

(3) Take into consideration all aspects of planning, zoning, population estimates, <sup>1</sup>engineering and economics so as to delineate with all practicable precision those portions of the area which community systems may reasonably be expected to serve within ten years, after ten years, and any areas in which the provision of such services is not reasonably foreseeable;

(4) Take into consideration any existing State plan affecting the development, use and protection of water resources;

(5) Establish procedures for delineating and acquiring on a time schedule consistent with that established in clause (3) of this subsection necessary rights-of-way or easements for community systems;

(6) Set forth a time schedule and proposed methods of financing the construction and operation of the planned community systems, together with the estimated cost thereof;

(7) Be reviewed by appropriate official planning agencies within a municipality, including a planning agency with areawide jurisdiction if one exists, for consistency with programs of planning for the area, and all such reviews shall be transmitted to the department with the proposed plans; and

(8) Include provision for periodic revision of the plan.

(e) The department is hereby authorized to approve or disapprove official plans for sewerage systems submitted in accordance with this act within one year of date of submission.

(f) The department is authorized to provide technical assistance to counties, municipalities and authorities in coordinating official plans for sewerage systems required by this act, including revisions of such plans.

(g) For purposes of this act, the department is authorized to cooperate with all appropriate Federal, State, interstate, and local units of government, and with appropriate private organizations.

Section 6. Grants Authorized.—The department is authorized to administer grants to counties, municipalities and authorities to assist them in preparing official plans for sewerage systems required by this act, and for carrying out related studies, surveys, investigations, inquiries, research and analyses. Such grants shall be made from funds appropriated by the General Assembly for this purpose and shall equal one-half the cost of preparing such plans. Such grants shall not be withheld from any municipality which is complying with the terms of this

<sup>1</sup>“engineering” in original.

act. For the purposes of this section, costs shall be exclusive of those reimbursed or paid by grants from the Federal government.

Section 7. Permits and Inspection.—(a) No person shall install an individual or community sewage disposal system or construct any building in which an individual or community sewage disposal system is to be installed without first obtaining a permit indicating that the site and the plans and specifications of such system are in compliance with the provisions of this act and the standards adopted pursuant to this act. No permit shall be required in those cases where a permit from the Sanitary Water Board or the secretary has been obtained or where the department determines that such permit is not necessary for the protection of the public health.

(b) Application for permit shall be in writing to the municipality, county department of health, joint county department of health, or to the department in accordance with the provisions of section 8 of this act, and shall be made on a formal application blank, and each application shall include such data as shall be prescribed by said technical standards for construction.

(c) Permits shall be issued or denied within seven days after receiving an application for permit except that, in case the municipality, county department of health, joint county department of health, or the department in accordance with the provisions of section 8 of this act, finds the data submitted by an applicant incomplete, the time for acting thereon shall be extended seven days beyond the date of submission of adequate supplementary or amendatory data. Denial of permit shall be supported by a statement in writing of the reasons for such action.

(d) No system or structure designed to provide individual or community sewage disposal to any realty improvement shall be covered from view until approval to cover the same has been given by the body which issued the original permit or its authorized representative. If forty-eight hours have elapsed, excepting Sundays and holidays, since the body issuing the permit receive notification of completion of construction, the applicant may cover said system or structure unless permission has been refused by the issuing body.

(e) In case any permit is denied or revoked, a hearing shall be held thereon before the municipality, county department of health, joint county department of health, or the department in accordance with the provisions of section 8 of this act, within fifteen days after request therefor is made by the applicant. Within seven days following the date of such hearing, the applicant shall be notified in writing of the determination of said hearing.

(f) If the municipality, county department of health, joint county department of health, or the department in accordance with the provisions of section 8 of this act, determines that any change has occurred in the physical conditions of any lands of a realty improvement which will materially affect the operation of the community or individual sewage disposal system covered by any permit issued under section 7 of this act, the permit shall be revoked and a new permit shall be obtained before construction shall proceed.

(g) The municipality, county department of health, joint county department of health, or the department in accordance with the provisions of section 8 of this act, shall have the power to make, or cause to be made, such inspections and tests as may be necessary to carry out the provisions of section 7 of this act and its authorized representatives shall have the right to enter upon lands for said purposes.

Section 8. Administrative Provisions.—(a) All municipalities shall administer the provisions of section 7 of this act and the standards adopted by the department pursuant thereto except that the provisions of section 7 of this act shall not apply to any municipality which is subject to jurisdiction of a county or joint county department of health.

County or joint county departments of health shall administer the provisions of section 7 of this act in the area subject to their jurisdiction. Each municipality or county or joint county department of health administering the provisions of section 7 of this act shall submit to the department such reports as the department shall require.

Whenever a municipality, county department of health or joint county department of health shall fail to administer the provisions of section 7 of this act in conformity with the standards of the department and thereby permit and allow conditions inimical to the public health to occur, the department shall administer the provisions of section 7 of this act in such municipality, county department of health or joint county department of health, provided that no municipality, county department of health or joint county department of health shall voluntarily surrender administration of the provisions of this act.

In accordance with the provisions of this section, the department shall adopt the necessary procedures to effect the transfer of administration from municipalities, county or joint county departments of health to the department.

(b) Copies of any ordinances, which are adopted by any municipality or county or joint county department of health establishing requirements equivalent to those required by section 7 of this act and minimum standards for construction equivalent to those promulgated or to be

promulgated by the Secretary of Health of the Commonwealth under section 7 of this act, shall be filed with the department within thirty days after their adoption, or in the case of existing ordinances within thirty days of the effective date of this act.

(c) Municipalities, county or joint county departments of health shall not adopt any standards or promulgate any regulations or procedures not in conformity with the standards, regulations or procedures of the department, and any regulations, ordinances and standards presently in existence shall be superseded by regulations and standards adopted by the department.

Section 9. Reimbursement to Municipalities.—Municipalities complying with the provisions of this act in a manner deemed satisfactory by the secretary shall be reimbursed annually by the department from funds specifically appropriated for such purpose equal to one-half of the cost of the expenses incurred by the municipalities in the enforcement of the provisions of this act.

Section 10. Saving Clause.—Nothing in this act shall be deemed to affect, modify, amend or repeal any provisions of the act of June 22, 1937 (P. L. 1987), as amended, or to affect the powers and duties of the Sanitary Water Board.

Section 11. Restraining Violations.—Any municipality or county or joint county department of health administering the provisions of section 17 of this act shall have the power to institute in the court of common pleas of the county in which it is situated, a proceeding to restrain violations of section 7 of this act.

When the department is responsible for enforcement of the provisions of this act in accordance with the provisions of this act, the Attorney General at the request of the secretary shall have the power to institute in the Court of Common Pleas of Dauphin County an action against any person violating the provisions of section 7 of this act, to restrain said violation. For this purpose the said Court of Common Pleas of Dauphin County is vested with jurisdiction to hear, determine and adjudicate such matter and grant such relief as is necessary and appropriate.

Section 12. Penalty.—Any person who shall violate any of the provisions of this act or the rules, regulations or standards promulgated thereunder or who resists or interferes with any officer, agent or employe of a municipality or county or joint county department of health or the department, in accordance with the provisions of this act, in the performance of his duties, shall upon conviction thereof in a summary

<sup>1</sup>“8” in original.

proceeding before any justice of the peace, alderman or magistrate in the county in which the offense was committed, be sentenced to pay a fine of not less than one hundred dollars (\$100) and costs, and not more than three hundred dollars (\$300) and costs, to be paid to said county, or in default thereof, shall be confined in the county jail for a period of not more than thirty days.

Section 13. Severability Clause.—The provisions of this act are severable and if any provision or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstances, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of the act.

Section 14. Repealer.—All acts or parts thereof inconsistent with the provisions of this act are repealed.

Section 15. Effective Date.—This act shall take effect July 1, 1967.

APPROVED—The 24th day of January, A. D. 1966.

WILLIAM W. SCRANTON

---

No. 538

AN ACT

HB 1312

Creating a Commonwealth of Pennsylvania Council on the Arts, for the encouragement and development of the various arts, and making an appropriation therefor.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. There is hereby created in the State of Pennsylvania, the Commonwealth of Pennsylvania Council on the Arts. The council shall be responsible directly to the Governor. The council shall consist of fifteen members who shall be appointed by the Governor by and with the advice and consent of two-thirds of all the members of the Senate. The members of the council shall be broadly representative of all fields of the performing and visual arts and shall be appointed from among private citizens who are widely known for their competence and experience in connection with the performing and visual arts.

Two members of the Senate, one of the majority party and one of the minority party of that body, appointed by the President Pro Tempore of the Senate and two members of the House of Representatives, one of the majority party and one of the minority party of that body, appointed by the Speaker, shall be voting members of the council