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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

No. **345**

Session of  
1961

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MESSRS. SARRAF, PECHAN AND DONOLOW, IN PLACE,  
MARCH 6, 1961.

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MR. McCREESH, COMMITTEE ON PUBLIC HEALTH AND  
WELFARE, AS AMENDED, JUNE 6, 1961.

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**AN ACT**

Regulating sewage disposal systems and private water supplies in the interest of preserving the health of the people of the Commonwealth requiring permits to be issued to persons installing sewage disposal systems or private water supplies imposing certain duties on the Department of Health and on municipalities and providing penalties

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

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EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through to be omitted from bill. Underscoring indicates new matter added to existing law. [Brackets] indicate matter stricken from existing law.

1 Section 1 As used in this act the following words and phrases shall  
2 have the meanings ascribed to them in this section unless the context  
3 clearly indicates otherwise

4 (1) "Department" means the Department of Health of the Com-  
5 monwealth

6 (2) "Private Water Supply" shall include all water supplies FOR  
7 HUMAN CONSUMPTION not requiring a certificate of public con-  
8 venience and necessity from the Pennsylvania Public Utility Commission

9 (3) "Sewage Disposal System" means any sewage disposal system  
10 which is not subject to the provisions of Act of June 22 1937 (P L 1087)  
11 and its amendments

12 (4) "Sewage" shall include any substance that contains any of the  
13 waste products or excrementitious or other discharge from the bodies  
14 of human beings or animals

15 (5) "Person" shall include any person copartnership association or  
16 private corporation

17 (6) "Municipality" shall include any county city borough town or  
18 township or any Department or Board of Health thereof

1       Section 2 No person shall install or have installed a sewage dis-  
2       posal system or a private water supply contrary to the provisions of this  
3       act No person shall install a sewage disposal system or private water  
4       supply or construct any building on land on which a sewage disposal  
5       system or private water supply is to be installed without first obtaining  
6       a permit indicating that the site and the plans and specifications of  
7       such system or supply are in compliance with the provisions of this act  
8       and the rules and regulations adopted pursuant thereto Provided however  
9       That no permit shall be required in those cases where the Department  
10       determines that such permit is not necessary for the protection of the  
11       public health

12       Section 3 All municipalities shall administer the provisions of this  
13       act and the rules and regulations adopted by the Department Each  
14       municipality administering this act shall submit to the Department such  
15       reports as the Department shall require

16       Section 4 The Department shall have the power and its duty shall be  
17       to adopt such rules and regulations as are necessary to protect the health  
18       of the people Such rules and regulations shall provide for the issuance  
19       of permits by the Department or municipalities for the establishing of  
20       minimum standards for the approval of site design construction and

1 installation of sewage disposal systems and private water supplies

2 Whenever a municipality shall not administer the provisions of this  
3 act in conformity with the rules and regulations of the Department  
4 or whenever such a municipality shall request the Department so to do  
5 the Department shall administer the provisions of this act in such  
6 municipality Nothing herein contained shall abridge the power of the  
7 Department of Health to abate conditions inimical to health

8 The Department shall adopt the necessary rules and regulations  
9 to effect the transfer of administration from municipalities to the  
10 Department and from the Department to municipalities

11 Section 5 Nothing in this act shall be deemed to affect modify  
12 amend or repeal any provisions of the Act of June 22 1937 (P L 1987)  
13 as amended or to affect the powers and duties of the Sanitary Water  
14 Board

15 Section 6 The Attorney General at the request of the Secretary of  
16 Health shall have the power to institute in the Court of Common Pleas  
17 of Dauphin County an action against any person violating the provisions  
18 of this act to restrain said violation and for this purpose the said Court  
19 of Common Pleas of Dauphin County is vested with jurisdiction to

1 hear determine and adjudicate such matter and grant such relief as is  
2 necessary and appropriate

3 Any municipality administering the provisions of this act shall have  
4 the power to institute through its legal counsel in the Court of Common  
5 Pleas of the County in which it is situated a proceeding to restrain  
6 violations of this act

7 Section 7 Any person who shall violate any of the provisions of this  
8 act or the rules and regulations promulgated thereunder or who resists  
9 or interferes with any officer agent or employe of the Department or  
10 of a municipality in the performance of his duties shall upon conviction  
11 thereof in a summary proceeding before any justice of the peace alder-  
12 man or magistrate in the County in which the offense was committed  
13 be sentenced to pay a fine of not less than one hundred dollars (\$100.00)  
14 and costs and not more than three hundred dollars (\$300.00) and costs  
15 to be paid to said County or in default thereof shall be confined in the  
16 County jail for a period of not more than thirty (30) days

We certify that this bill has passed the Senate and the House of Representatives.

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Chief Clerk, Senate

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President pro tempore, Senate

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Speaker, House of Representatives

Approved The ..... day of ..... A. D. 1961.

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Governor