

HEALTH LAWS CITY AND PORT OF PHILADELPHIA - SUPPLEMENT
Act of Mar. 16, 1855, P.L. 89, No. 98
AN ACT

Cl. 11

Supplementary to the Health Laws of the city and port of Philadelphia.

Section 1. Removal of contents of privy wells without license prohibited

No person shall remove, or cause, or allow to be removed, the contents of any privy well or sink within the limits of the jurisdiction of the board of health, without first being licensed by the board of health to do so, and every person offending against the provisions of this section shall, for every such offense, forfeit and pay to the board of health the sum of fifty dollars, to be recovered as debts of that amount are by law recoverable, and also be liable to indictment at common law for creating or maintaining a nuisance. The city councils shall, from time to time, exempt from the operation of any statute law, conferring on the board of health, jurisdiction of the subject of nuisances such portions of the territory under their jurisdiction, being a rural district or sparse in population, as in their opinion they can do with safety to the health and comfort of the inhabitants thereof, which exemption shall at all times be revocable by the like authority. (1855, March 16, P.L. 89, Sec. 1.)

Section 2. Grant of license; permits; penalties; exception of farmers, etc.

Every person desirous of being licensed to empty or remove the contents of privy wells and sinks within the limits of the jurisdiction of the board of health, shall make application in writing to the board of health, who, on being satisfied with the character of the applicant, and the security and tightness of his carts, and that he is the owner of such horses and carts as represented in his application, and that he is not in collusion or combination with other persons to deceive and defraud the board, may, under such rules and regulations as they shall make in regard thereto, both as to their own protection from fraud and imposition by such person, and as to their supervision and control of such person in his said vocation, grant him a license for one year, and renew the same from year to year, as they may deem proper, and for each license so granted, and every renewal thereof, he shall pay therefor to the board of health the sum of fifty dollars; and whenever any such person shall desire, under his license, to empty or cleanse any privy well or sink, he shall first take from the board of health a permit to do so, at which time he shall furnish to the clerk the name of the owner, agent or occupant of such property as shall have so employed him, and the name of such owner, agent or occupant shall be mentioned in said permit and recorded in the office, which permit shall particularly specify the privy well or sink to be emptied or cleansed, and the days or hours in which it shall be done; and if any such person shall, by himself, his agents or

servants, remove, cause or allow, or assist in removing the contents of any privy well or sink within portions of said city not excluded from the operation of this act, without first having obtained such permit, or shall do so on any other day or days, or at any other hour or hours, than those specified in such permit, he shall for every such offense forfeit and pay to the board of health the sum of twenty-five dollars: provided, that nothing herein, or in any other act contained, shall prevent farmers and others living in rural sections from cleansing their privies, without any license and without any penalty therefor. 1855, March 16, P.L. 89, Sec. 2.

Section 3. Payment of price of permit

The price of the permit shall be paid to the board of health when issued, and shall in all cases be repaid by the person or persons whose privy well or sink shall be emptied and cleansed, and when such work shall be done by order of the board of health, to any premises declared a nuisance, the price of the permit shall also be recovered by the board of health, as part of the expenses of the removal of such nuisance. 1855, March 16, P.L. 89, Sec. 3.

Section 5. Deposit of contents of sink or privy well

If any person or persons shall deposit the contents, or any part thereof, of a sink or privy well, anywhere within the limits of the jurisdiction of the board of health, so as thereby to create and maintain a nuisance, or shall deposit or spill the same on any street, lane, alley, court, road, bridge or other highway of the City and County of Philadelphia, such person or persons so offending shall for every such offense forfeit and pay to the board of health the sum of ten dollars, to be recovered as debts of like amount are by law recoverable, and shall also be liable to indictment at common law for creating and maintaining a nuisance. 1855, March 16, P.L. 89, Sec. 5.

Section 6. Licensed persons to give bond

Every licensed person shall give bond to the city of Philadelphia, for the use of the Board of Health, with surety, in the penalty of two hundred and fifty dollars, to be approved by the board, conditioned for the faithful performance of all duties enjoined by this law, and the regulations of the Board of Health, and for the payment to them of all sums by this act directed to be paid to them; and the Board of Health shall in addition have power, by a vote of the majority of the whole number of members of the board, to revoke or suspend any license for good cause shown. 1855, March 16, P.L. 89, Sec. 6.

Section 7. Penalty for contracting with unlicensed person

Every person in the City or County of Philadelphia, whether owner, agent or occupant of property, who shall employ or contract with any unlicensed person to cleanse his or her privy well or sink, or who shall receive from any unlicensed person any portion of the contents of a privy well or sink emptied and cleansed within the limits of the jurisdiction of the board of health, shall for every such offense forfeit and pay to the board of health the sum of twenty-five dollars, to be recovered as debts of like amount are by law recoverable. 1855, March 16, P.L. 89, Sec. 7.

Section 9. Contracts and suits to be in name of city for use

of board

All contracts made by or with the board of health, and all recoveries of penalties and suits for other causes of action, under this and other acts to which this is a supplement, shall be in the name of the City of Philadelphia, for the use of the board of health; and nothing herein contained shall in any wise impair the authority of the city corporation over said board of health as one of the departments of said city. 1855, March 16, P.L. 89, Sec. 9.