

ORDINANCE NO. #93-1

AN ORDINANCE OF HILLTOWN TOWNSHIP,
BUCKS COUNTY, PENNSYLVANIA, PERTAINING
TO THE INSTALLATION AND OPERATION OF
HOLDING TANKS WITHIN THE TOWNSHIP,
PROVIDING PENALTIES FOR THE VIOLATION
THEREOF, AND REPEALING ORDINANCE 83-3.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Hilltown Township, Bucks County, Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1. Purpose: The purpose of this Ordinance is to establish procedures for the use and maintenance of holding tanks when Hilltown Township, Bucks County Department of Health, or the Pennsylvania Department of Environmental Resources determines that the use of a holding tank is necessary to abate a nuisance or public health hazard; or for use by an institutional, recreational, or commercial establishment with a sewage flow of 400 gallons per day or less; or for temporary installation when an Act 537 Revision provides for replacement of the temporary holding tank by adequate sewerage services in accordance with a schedule approved by Hilltown Township and the Pennsylvania Department of Environmental Resources. It is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety, and welfare of the residents of Hilltown Township.

Section 2. Definitions: Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- A. "Township" shall mean Hilltown Township, Bucks County, Pennsylvania.
- B. "Holding Tank" shall mean a watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Holding tanks include but are not limited to the following:
 - 1. "Chemical Toilet" which is a permanent or portable non-flushing toilet using chemical treatment in the retaining tank for odor control.
 - 2. "Retention Tank" which is a holding tank where sewage is conveyed to it by a water carrying system.
 - 3. "Vault Pit Privy" which is a holding tank designed to receive sewage where water under pressure is not available.

4. "Incinerating Toilet" which is a device capable of reducing waste materials to ashes.
 5. "Composting Toilet" which is a device for holding and processing human and/or organic kitchen waste employing the process of biological degradation through the action of microorganisms to produce a stable, humous-like material.
 6. "Recycling Toilet" which is a device in which the flushing medium is restored to a condition stable for re-use and flushing.
- C. "Improved Property" shall mean any property within the Township upon which there is, or is to be, erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.
- D. "Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, or any property located in the Township.
- E. "Person" shall mean any individual, partnership, company, association, corporation, or other group or entity.
- F. "Sewage" shall mean 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 substance 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.
- G. "Temporary Holding Tank" shall mean a holding tank installed pending installation of a replacement system or public sewer facilities.

Section 3. Rights and privileges granted: That the Township Supervisors and their duly authorized agents are authorized and empowered to undertake within the Township the control and methods of holding tanks sewage disposal and the collection and transportation thereof.

Section 4. Rules and Regulations: The Supervisors are hereby authorized and empowered to adopt such rules and regulations by Resolution concerning sewage which they may deem necessary from time to time to effect the purpose herein.

Section 5. Rules and Regulations to be in Conformity with Applicable Law: All such rules and regulations adopted by the Township shall be in conformity with the provisions herein, all other Ordinances of the Township, and all applicable laws, and regulations of administrative agencies of the Commonwealth of Pennsylvania.

Section 6. Exclusiveness of Rights and Privileges: The collection and transportation of all sewage from any holding tank shall be performed under the direction and control of a hauler licensed by the Bucks County Department of Health and/or Pennsylvania Department of Environmental Resources. The disposal thereof shall be made only at such site or sites as may be approved by the Bucks County Department of Health and/or Pennsylvania Department of Environmental Resources.

Section 7. Procedure for Obtaining Holding Tank Permit: Before a holding tank may be installed, the property owner shall:

- A. Obtain a permit for the holding tank from the Bucks County Department of Health and/or Pennsylvania Department of Environmental Resources.
- B. File a copy of the Bucks County Department of Health and/or Pennsylvania Department of Environmental Resources permit and plan with the Township.
- C. File with the Township a copy of a written agreement between the property owner, hauler, and acceptor covering the periodic emptying of the tank.
- D. Submit such additional information on size, location, or otherwise as the Township may require in order to complete this review.
- E. Deposit and/or post the sum of money or security, in the form and/or amount as provided by the rules and regulations promulgated for this Ordinance. These funds are to be held by the Township and used only in the event the Township is required to perform any services, or pay for any services, relative to the holding tank. The Board of Supervisors shall have the right to claim the entire escrow deposit as reimbursement for Township expenses.
- F. Pay a fee to the Township for the holding tank permit in accordance with the appropriate Resolution as adopted by the Board of Supervisors from time to time.
- G. Execute an agreement to hold the Township harmless in the event of a claim against the Township arising from the operation of the holding tank.
- H. A permit issued under the terms of this agreement shall become null and void if the holding tank installation has not been completed to the satisfaction of the Township within one year of the date of issuance.

Section 8. Duties of Improved Property Owner: The owner of a property that utilizes a holding tank shall:

- A. Maintain the holding tank in conformance with this or any Ordinance of the Township, the provisions of any applicable law, and the rules and regulations of the Township and any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit only persons authorized by the Bucks County Department of Health and/or Pennsylvania Department of Environmental Resources to collect, transport, and dispose of the contents therein.
- C. Be responsible for the periodic cleaning or emptying of the holding tank as well as the cost thereof.
- D. Be responsible for the periodic testing of sewerage and cost thereof when deemed necessary by the Township.

Section 9. Any obligation or duty assumed by the Township under this Ordinance shall be limited to holding tanks installed and used after the effective date hereof.

Section 10. Violations: Any person who violates any provision of this Ordinance shall, upon conviction thereof in summary proceedings, be sentenced to pay a fine of not more than Five Hundred Dollars (\$500.00) and costs, or to undergo imprisonment in the Bucks County Prison for a period not in excess of thirty (30) days. Each day that a violation is permitted to exist shall constitute a separate violation.

Section 11. Whenever sanitary sewer service provided by a Municipal Authority becomes available for use, the holding tank must be disconnected and disposed of in accordance with applicable Pennsylvania Department of Environmental Resources regulations, and proper connection made to the sanitary sewer within ninety (90) days after notice to make connection.

Section 12. Abatement of Nuisances: In addition to any other remedies provided in this Ordinance, any violation of the Ordinance shall constitute a nuisance and may be abated by the Township by either seeking appropriate equitable or legal relief from a court of competent jurisdiction.

Section 13. Ordinance 83-3 is hereby repealed. Further, all Ordinances or Resolutions or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, are hereby repealed.

Section 14. Severability: If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Hilltown Township, that this Ordinance would have been adopted had such unconstitutionality, illegal or invalid sentence, clause, section or part thereof not been included therein.

Section 15. Effective Date: This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED into an Ordinance this 22 day of Feb., A.D., 1993, by the Board of Supervisors of the Township of Hilltown in lawful session duly assembled.

HILLTOWN TOWNSHIP
BOARD OF SUPERVISORS

Wm H Bennett Jr
Kenneth B Bingle
J Carroll Fox

ATTEST:

Synda Seimes / Township Secretary