

ORDINANCE NO. 85-1
OF THE
TOWNSHIP SUPERVISORS
OF THE
TOWNSHIP OF HILLTOWN
BUCKS COUNTY, PENNSYLVANIA

REQUIRING THAT ALL OCCUPIED BUILDINGS IN HILLTOWN TOWNSHIP DESIGNATED MUNICIPAL UTILITY SERVICE DISTRICTS, BE CONNECTED WITH THE PUBLIC SANITARY SEWER SYSTEM; MAKING IT UNLAWFUL TO CONSTRUCT OR MAINTAIN PRIVIES, CESSPOOLS, SEPTIC TANKS OR OTHER DEVICES FOR RECEIVING SEWAGE OR CONDUITS FOR THE DISCHARGE OF SEWAGE, EXCEPT INTO THE SANITARY SEWERS; PROVIDING FOR RULES AND REGULATIONS PRESCRIBING PENALTIES; PROVIDING FOR ESTABLISHMENT OF TOTAL PROJECT CONSTRUCTION COST ASSESSMENT TO PROPERTY OWNERS

WHEREAS, the Township Supervisors of Hilltown Township, Bucks County, Pennsylvania, (the "Township") in order to promote and benefit the people of the Commonwealth of Pennsylvania and of the Township have by agreement entered into with the Telford Borough Authority (the "Authority") pursuant to Resolution dated April 23, 1984, by which agreement the Township has agreed to be the instrumentality to undertake a designated sewer project in a portion of the Township as further delineated by Township Resolution of even date herewith; and,

WHEREAS, in carrying out the project so designated, the Township, pursuant to separate Resolution, dated September 10, 1984, has constructed a public sanitary sewer collection system, together with appurtenant facilities in and for the Township; and the Authority will ultimately own, operate and maintain such sanitary sewer system and appurtenant facilities; and,

WHEREAS, the Township Supervisors in order to promote the health, safety and welfare of the people of the Township and of the Commonwealth of Pennsylvania, and the purity of its water,

believing that the use thereof is unsafe and unsanitary, deems it advisable to prohibit certain uses of privies, cesspools, septic tanks or similar receptacles for receiving sewage within a certain portion of the Township in that such use encourages the spread of disease and impairs public health, and to require connections to be made to such sewer system, by the owners of occupied buildings on property adjoining, abutting on or adjacent to the sewer system, in accordance with this Ordinance, the referred Resolutions, and with the Rules and Regulations which may, from time to time, be adopted by the Township; and,

WHEREAS, the total construction project costs of said system are to be paid by the abutting property owners, and the Township shall by resolution determine the total construction project cost and assess the same upon the several properties abutting the system in proportion to benefits.

NOW THEREFORE, the Township Supervisors of Hilltown Township, Bucks County, Pennsylvania, hereby ordains and enacts that:

Section 1. Definitions:

- a) "Authority" means the Telford Borough Authority as presently or hereafter constituted, which has entered into an Agreement of Sewer Service with the Township Supervisors of Hilltown Township and to which has been referred by the Township Supervisors of Hilltown Township the specific project of sewers.
- b) "occupied building" means each single dwelling unit, household unit, flat or apartment unit, store, shop, office, business or industrial unit or family unit contained within any structure erected within one hundred fifty feet from the Sewer System and intended for continuous or periodic habitation, occupancy, or use by human beings or animals and from which structure sanitary sewage is, or may be, discharged.
- c) "person" means an individual, firm, company, association, society, corporation or group.
- d) "property accessible to the Sewer System" means improved property which adjoins, abuts on, or is adjacent to, the Sewer System and is within the designated municipal utility service district established by the Township by separate resolution of even date herewith.
- e) "sanitary sewage" means the normal water carried household and toilet wastes from residences, business buildings, institutions and industrial establishments.

- f) "Sewer System" means and refers to the public sanitary sewer collection system together with appurtenant facilities constructed for a portion of the Township and any improvements, additions or extensions that hereafter may be thereto by the Authority or the Township or to any part or parts of any or all thereof.
- g) "Township" means Hilltown Township, Bucks County, Pennsylvania, or the duly constituted and elected municipal officials therefor.

Section 2.

- a) All persons owning any occupied building now erected upon property in the Township accessible to the Sewer System shall, at their own expense, connect such building with the Sewer System within ninety (90) days after written notice to such persons from the Township.
- b) All persons owning any property in the Township accessible to the Sewer System upon which an occupied building is hereafter erected shall, at the time of the erection of such building and at their own expense, connect the same with the Sewer System.
- c) All persons owning any occupied building upon property in the Township which hereafter becomes accessible to the Sewer System shall, at their own expense, connect such building with the Sewer System within sixty (60) days after notice to do so from the Township.

Where more than one occupied building, as hereinbefore defined, is contained in a separate structure, a single common connection to the lateral of the Sewer System may be permitted for accommodating all units contained in such structure, except that separate connections shall be required for each semi-detached or row-type house or structure.

Section 3. It shall be unlawful for any person owning any property in the Township accessible to the Sewer System to erect, construct or use or maintain or cause to be erected, constructed, used or maintained, any privy, cesspool, sinkhole, septic tank, or other receptacle on such premises for receiving sanitary sewage after the expiration of the particular period specified in Section 2 hereof, or otherwise at any time to erect, construct, use or maintain any pipe, conduit, drain or other facility for the discharge of sanitary sewage into the gutters of the Township, the storm sewers of the Township or upon public or private property or otherwise, except into the Sewer System.

Section 4. Any person who erects, constructs, uses or maintains a privy, cesspool, sinkhole or septic tank or any property accessible to the Sewer System or otherwise erects, constructs, uses or maintains any pipe, conduit, drain or other

facility for the discharge of sanitary sewage in violation of this Ordinance, shall be deemed and shall be declared to be erecting, constructing and maintaining a nuisance, which nuisance the Township is hereby authorized and directed to abate in the manner provided by law.

Section 5. No connection shall be made to the Sewer System, except in compliance with the ordinances and resolutions, as well as such rules and regulations as may, from time to time, be enacted, adopted, approved or promulgated by the Township or the Authority.

Section 6. After the expiration of the particular periods specified in Section 2 of this Ordinance, if any owner of any occupied building on property in the Township accessible to the Sewer System shall have failed to connect such property with the Sewer System as required by said Section 2, the Township shall cause to be served on the owner of such property so failing to connect to said Sewer System, and also upon the occupants of the building in question, a copy of this Ordinance and a written or printed notice requiring such connection to be made, and such notice shall further state that its requirements shall be complied with within thirty (30) days from the date thereof.

Section 7. The provisions of this Ordinance are declared to be for the health, safety and welfare of the citizens of the Township and persons violating any provisions of this Ordinance, upon conviction before any District Justice of Bucks County, shall be fined Three Hundred (\$300.00) Dollars and costs. Each 90-day period during which such violation of such provisions shall continue, shall be deemed to be a separate offense. Each occupied building, as hereinbefore defined, whether or not the owners thereof shall be permitted to connect two or more occupied buildings or units by a single common connection to a lateral of the Sewer System or shall be required to make separate connections for each occupied building or unit, shall constitute a separate and distinct unit under the provisions of this Ordinance and the persons owning occupied buildings, consisting of multiple units contained in the same structure, who violate any of the provisions of this Ordinance, shall be subject to the aforesaid fine for each and every one of such occupied buildings or units which are in violation of the provisions of this Ordinance.

Section 8. The Township shall determine the total cost of construction of the system upon its final completion, and shall charge the cost thereof upon the property accommodated or benefited thereby in the manner as set forth by law. Said determination of cost and assessment in proportion to benefit shall be by separate Township Resolution.

Section 9. If any provision, sentence, clause, section or part of this Ordinance, or the application or any provision hereof, 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.

Section 10. All ordinances or parts of ordinances in conflict, or inconsistent herewith, be and the same are hereby repealed absolutely.

Section 11. This Ordinance is hereby declared to be urgent for the preservation of the peace, health and comfort of the people of the Township and shall take effect and be in force immediately after its passage.

DULY PRESENTED AND UNANIMOUSLY ENACTED at a public meeting of the Township Supervisors of Hilltown Township, Bucks County, Pennsylvania, held this 11th day of February, A.D., 1985.

HILLTOWN TOWNSHIP BOARD OF
SUPERVISORS

Vino Ricci

Mary L. Fockard

Robert H. Gummier