



**HILLTOWN TOWNSHIP  
ORDINANCE NO. 2020-001**

**AN ORDINANCE OF HILLTOWN TOWNSHIP, BUCKS COUNTY,  
PENNSYLVANIA, REGULATING THE MANAGEMENT AND  
MAINTENANCE OF INDIVIDUAL AND COMMUNITY SANITARY  
SEWAGE DISPOSAL FACILITIES WITHIN THE TOWNSHIP.**

**WHEREAS**, the Board of Supervisors of Hilltown Township is preparing an update of the Township Sewage Facilities Plan (Act 537) and, pursuant to the requirements and directive of the Pennsylvania Department of Environmental Protection,

**WHEREAS**, the Sewage Facilities Plan includes adoption of a sewage management program consistent with the requirements of PA Code, Title 25, Chapter 71.73 program for on-lot sewage disposal systems,

**NOW, THEREFORE**, be it **ORDAINED** and **ENACTED** by the Board of Supervisors of Hilltown Township the following Sewage Management regulations:

**§101. Short Title; Introduction; Purpose**

- A. This Ordinance shall be known as the “Hilltown Township Sewage Management Ordinance.”
- B. This Ordinance is adopted pursuant to the authority set forth in the Second Class Township Code, the Pennsylvania Clean Streams Law (35 P.S. §§ 699.1 – 699.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966), P.L. 1535, as amended, 35 P.S. §750.1, et seq, also known as Act 537. This Ordinance is also adopted pursuant to the official Sewage Facilities Plan adopted for Hilltown Township pursuant to Act 537.
- C. The purpose of this Ordinance is to promote the public health, safety, and welfare by minimizing the problems described in Section 102.A of this Ordinance by:
  - 1. Implementation of the provisions of the Pennsylvania Sewage Facilities Act, P.L. 1535, 537, January 24, 199635 P.S. 750.1 et seq., as hereafter amended, supplemented, modified, or re-enacted by the General Assembly of Pennsylvania.
  - 2. Review of proposed sewage plans for compliance with the Township's Wastewater Facilities Plan, this Ordinance, and appurtenant ordinances.
  - 3. Enactment and implementation of this and appurtenant ordinances concerning holding tanks and water conservation/waste flow reduction.
  - 4. Development and implementation of a public education program to supplement the public assurance program.
  - 5. Giving force and effect to the policies adopted in the official Act 537 Plan of Hilltown Township.
- D. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**§102. Definitions.**

- A. Act 537: The Act of January 4, 1966, P.L. 1535, as amended, 35 P.S. Section 750.1 et. Seq. Known as the Pennsylvania Sewage Facilities Act.
- B. Evidence of Malfunction: Wet, murky conditions (not resulting from surface water runoff or ponding) in areas designated as the absorption area of an OLDS. These conditions are typically accompanied by high grass and/or increased growth in warm, dry months. In the winter, these areas generally do not freeze, and the area is typically spongy and soft. Snow does not normally accumulate in these areas. Information received from property owners concerning frequent septic tank pumping or difficulty in pumping a septic tank due to backflow from the absorption area is also evidence of malfunction. Other factors considered as evidence of malfunctions are indications of previous repairs and/or extensions of the system not permitted by the Bucks County Health Department, and/or evidence of recently placed soil and/or dirt in the vicinity where the absorption area is located. The installation of a garden, shrubs, and/or trees in the vicinity of the absorption area, as well as the inability to distinguish “gray water” discharge, is also evidence of a malfunction.
- C. Alternate Sewage Disposal System: A method of demonstrated on-lot sewage treatment and disposal not described in Section 7 of the Pennsylvania Sewage Facilities Act, which may be permitted by the Pennsylvania Department of Environmental Protection pursuant to Chapter 73, Section 73.72 of the Sewage Facilities Act, as amended.
- D. Authority: The municipal authority responsible for providing sanitary sewage service under a service area agreement with the Township.
- E. Authorized Agent: Any representative of the Township authorized by the Board of Supervisors to carry out the provisions of this Ordinance.
- F. BCHD: Bucks County Health Department.
- G. Board: Board of Supervisors of Hilltown Township.
- H. Board of Sewer Appeals: A Board which may be created by Resolution of the Board of Supervisors who shall be residents of Hilltown Township.
- I. Cesspool: A covered pit with open jointed lining which receives the sanitary sewage or other organic wastes directly from a building drain or building sanitary sewer. It retains and allows liquid waste to pass through the bottom and sides. This is an antiquated system which predates PADEP standards (Chapter 73, Title 25 PA Code).
- J. Code Enforcement Officer (CEO): An individual employed by the Township to administer and enforce Ordinances in the Township.
- K. Community Sanitary Sewage System: Any system, whether publicly or privately owned, for the collection of sanitary sewage from two or more lots or structures, and the treatment and/or disposal of the sewage on one or more lots or at any other site.
- L. Conventional Sewage System: A system employing the use of demonstrated on-lot sewage treatment and disposal technology in a manner specifically recognized by the regulations promulgated under the Act. The term includes individual and community on-lot sewage systems, including sandmounds.
- M. Department: Department of Environmental Protection of the Commonwealth of Pennsylvania (PADEP).
- N. Experimental Sewage Disposal System: A method of on-lot sewage treatment and disposal not described in the Sewage Facilities Act, which is proposed for the purpose of testing and observation.

- O. Gray Water: Domestically generated liquid wastes, including kitchen and laundry wastes.
- P. Health Department: Bucks County Health Department (BCHD).
- Q. Holding Tank: A watertight receptacle that receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site.
- R. Individual Residential Spray Irrigation System (IRSIS): An individual sewage system permitted under Section 7 of the Sewage Facilities Act, which serves a single dwelling, and which treats and disposes of sewage utilizing a system of piping, treatment tanks, and soil renovation through spray irrigation.
- S. Individual Sewage System: A system of piping, tanks, or other facilities serving a single lot and collecting and disposing of sewage, in whole or in part, into the soil or into any waters of this Commonwealth.
- T. Lot: 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.
- U. Maintenance: Those actions required to provide for the long term proper functioning of an on-lot sanitary sewage disposal system, including, but not limited to the pumping of septage from a septic tank, cesspool, or dry well and pump tank; cleaning, pumping and/or leveling of a distribution box; removal of trees or growth affecting the operation of an on-lot sanitary sewage disposal system; diversion of surface water away from an on-lot sanitary sewage disposal system; and, reduction of flow from the structure being served (i.e., installation of water conservation devices).
- V. Malfunction: The condition which occurs when on on-lot sanitary sewage disposal system discharges untreated or inadequately treated sewage onto the surface of the ground, into groundwater, or into surface waters of the Commonwealth. Malfunction also occurs when sanitary sewage backs up into the building connected to the system, or otherwise causes a nuisance or hazard to the public health or pollution of the ground or surface water or contamination of any public and/or private drinking water wells.
- W. Marginal conditions for Long term On-lot Sewage Disposal: Conditions of a site for use of on-lot sewage disposal facilities, as determined by the Pennsylvania Department of Environmental Protection and/or the Bucks County Department of Health, which may include soil profile examinations which document areas of suitable soil intermixed with areas of unsuitable soils; site evaluation which documents soils generally suitable for elevated sandmounds, with some potential lots with slopes over 12%; site evaluation which documents soils generally suitable for inground systems, with some potential lots with slopes in excess of 20%; or lot density of more than one EDU/acre.
- X. Municipal Sewage System: Sewer system and the treatment facility owned, operated, or maintained by a municipality or municipal authority approved by the Department under a permit issued to the Clean Streams Law, 35 P.S. 691.1, et seq., as hereafter amended, supplemented, modified, or reenacted by the General Assembly of Pennsylvania.
- Y. Municipality: Hilltown Township, Bucks County, Pennsylvania.
- Z. New System: The installation of an on-lot sewage disposal system on a property where a system does not currently exist, or the installation of a larger on-lot sewage disposal system in conjunction with the expanded use of an existing structure after the effective date of this Ordinance. A new system does not include replacement systems installed on properties with existing on-lot sewage disposal systems where rehabilitation/repair efforts are required to correct an existing malfunction.
- AA. Official Sewage Facilities Act 537 Plan: The plan adopted by the Township and approved by the Pennsylvania Department of Environmental Protection in furtherance of the requirements as set forth in the Pennsylvania Sewage Facilities Act.

- BB. On-Lot Sanitary Sewage Disposal System (OLDS): Any system for disposal of sanitary sewage involving pre-treatment and subsequent disposal of the clarified sewage into the soil for final treatment and disposal; including both individual sanitary sewage systems and community sanitary sewage systems.
- CC. PADEP: Department of Environmental Protection of the Commonwealth of Pennsylvania.
- DD. Person: Any individual, company, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as having rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine, the term "person" shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.
- EE. Pumper/Hauler: Any person, as that term is defined in this Ordinance, who engages in cleaning community or individual sanitary sewage systems and transports the septage removed from these systems for disposal, and, is licensed by the Bucks County Health Department.
- FF. Pumper's Report: Form used by licensed pumper/haulers to report pumping of an on-lot sanitary sewage disposal system.
- GG. Registration Form: Form which shall be made available by the Township for property owners to register their on-lot sanitary sewage disposal system with the Township.
- HH. Rehabilitation or Repair. Work done to modify, alter, or repair an existing on-lot sanitary sewage disposal system or individual components thereof, including the enlargement of the total absorption area, provided the flows from the structure being served are unchanged or reduced.
- II. Replacement Area: A portion of a lot, or property, sized to allow the installation of a subsurface sanitary sewage disposal area, which is reserved to allow for the installation of a replacement sanitary sewage system in the event of the malfunction of the originally installed on-lot sewage disposal system.
- JJ. Replacement System: An on-lot sanitary sewage disposal system which replaces a previously installed on-lot sanitary sewage disposal system which cannot be repaired or rehabilitated to a condition acceptable to the Bucks County Health Department.
- KK. Septage: The residual scum and sludge pumped from septic systems.
- LL. Sewage: 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, or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No. 394), known as "The Clean Streams Law", as amended.
- MM. Sewage Enforcement Officer (SEO): A person certified by the Pennsylvania Department of Environmental Protection who issues and reviews permit applications and/or conducts such investigations and inspections as are necessary to implement the Sewage Facilities Act (Act 537) and the rules and regulations promulgated thereunder and this or any other Ordinance adopted by the Township.
- NN. Sewage Management Program: A comprehensive set of legal and administrative requirements encompassing the requirements of this Ordinance and other administrative requirements adopted by the Township to effectively enforce and administer the Ordinance.

- OO. Small Flow Treatment Facility: An individual or community sewage system design to adequately treat sewage flows not greater than two thousand (2,000) gallons per day for final disposal using a stream discharge or discharge to the surface of the ground.
- PP. Subdivision: The division or redivision of a lot, tract, or parcel of lands by any means into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that subdivision by lease for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement, access, or any residential dwelling, shall be exempted.
- QQ. Township: Hilltown Township, Bucks County, Pennsylvania.
- RR. Waters of the Commonwealth: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof, and as defined by the Pennsylvania Clean Streams Act.
- SS. Zoning Officer: An individual employed by the Township to administer and enforce the Township Zoning Ordinance.

All definitions included in Act 537 and the Clean Streams Act, as amended, are hereby incorporated by reference into this Ordinance.

**§103. Applicability.**

- A. The provisions of this Ordinance shall apply to all existing and proposed individual and community sewage disposal systems within the Township.
- B. All new individual and community sewage systems shall be required to file a Registration Form with the Township prior to the issuance of a Building Permit for the use of the structure being served by the on-lot sanitary sewage disposal system.

**§104. Permit Requirements.**

- A. No person shall install, repair, rehabilitate, construct, or solicit proposals for the construction or alteration of an on-lot sanitary sewage disposal system, or construct or request proposals for the construction, installation, or occupancy of any building or structure for which an individual or community sanitary sewage disposal system is to be installed without first obtaining a permit from Bucks County Health Department (BCHD) confirming that the system complies with the provisions of the Pennsylvania Sewage Facilities Act, and any and all regulations adopted pursuant to said Act.
- B. No system or structure designed for individual or community sanitary sewage disposal or for rehabilitation, repair and/or replacement to or of an existing sewage disposal system shall be covered from view until a final inspection and approval of same has been provided by BCHD.
- C. Applicants for individual or community sanitary sewage disposal system permits shall notify BCHD of the schedule for construction or rehabilitation, repair and/or replacement of the permitted sewage disposal system so the appropriate inspection(s) shall be scheduled and performed by the BCHD.
- D. No building permit shall be issued by the Township for a new building which will utilize individual or community sanitary sewage disposal system, until such time as a valid sanitary sewer permit has been obtained from BCHD, and a Registration Form is filed with the Township.

- E. No building permit shall be issued by the Township for any building addition, alteration, or change in use which may result in increased sewage flows until approval of use of the existing sewage system has been received from BCHD. The Township should receive notification by BCHD of all permits issued and final inspections performed in Hilltown Township.
- F. No occupancy permit shall be issued by the Township for any new building until BCHD has informed the Township that the newly constructed sanitary sewage system has been completed, and has had a final inspection.
- G. Individual or Community Sewage Disposal System permits may only be issued by BCHD or PaDEP as applicable.
- H. No contractor shall install, construct, repair, rehabilitate or alter an individual or community sanitary sewage disposal system without verifying that the property owner has complied with the provisions of this Ordinance.
- I. All new structures served by individual or community sewage systems shall be required to install water conservation devices and fixtures, in compliance with the provisions of the Uniform Building Code.
- J. Sewage permits may be issued only by a Sewage Enforcement Officer employed by the Bucks County Health Department per the requirement of PA Code Title 25, Chapter 72.
- K. The planning, design, siting, construction, maintenance, repair, and replacement of any On-lot Sewage Disposal System shall be done in accordance with the requirements of PA Code Title 25, Chapter 72, and Standards for On-lot Sewage Treatment Facilities, Chapter 73.

**§105. Right of Entry.**

- A. Authorized persons acting on behalf of the Township shall, upon presentation of the proper credentials and identification, be permitted to enter upon the outside of the property that contains an individual or community sanitary sewage disposal system for the purpose of inspecting, observing, photographing, and sampling the sewage disposal system, in accordance with the provisions of this Ordinance.
- B. The Township shall provide advance notice to the property owner of the individual or community sewage disposal system prior to inspection.

**§106. Sewage System Maintenance.**

- A. All Sewage Systems shall be pumped out by a licensed pumper/hauler selected by the property owner, at least once every three (3) years or whenever inspection reveals that the treatment tanks are filled with solids in excess of 1/3 of the liquid depth of the tank or with scum in excess of 1/3 of the liquid depth of the tank whichever is sooner. The three (3) year time period shall begin when the system is approved as complete by BCHD. Property owner shall provide the Township with a receipt documenting the date or which the septic tank was cleaned within thirty (30) days of the occurrence.

For sewage systems existing at the time of adoption of this Ordinance, the Township will notify the property owners of this requirement and establish the time period for submission of required information.

- B. Sand filters included within IRSIS, SFTF, or other approved sewage system shall also be inspected regularly in conformance with the rules and regulations of PADEP, BCHD and Township as applicable.
- C. All Sewage Systems shall be maintained in accordance with provisions of the Operation and Maintenance Agreement executed for the system.
- D. Any non-routine maintenance or repairs required to the system must be reported to the Bucks County Department of Health and Township by the property owner for appropriate approval.

- E. Records verifying routine pumping of holding/septic tanks must be submitted to the Township.

**§107. Inspections.**

- A. All individual and community sanitary sewage disposal systems regulated by this Ordinance may be inspected by an authorized agent of the Township. The inspection may include the taking of samples from surface water, wells, or other groundwater sources, and/or the sampling of the contents of the sanitary sewage disposal system. The report of the inspection shall be furnished to the property owner.
- B. In the event inspection is denied by the property owner, the Township shall be authorized to take such steps as are appropriate to secure access to the property for the purpose of determining compliance with the terms and conditions of this Ordinance. Said steps shall include, but not be limited to, the seeking of an administrative search warrant from the appropriate judicial official.
- C. All individual and community sanitary sewage disposal system owners, other than on-lot sub-surface, elevated sandmound or at grade systems, shall also retain a qualified system maintenance contractor to conduct at a minimum annual inspection and maintenance of sewage disposal systems as required by this Ordinance, PADEP/BCHD, or an executed Operations and Maintenance Agreement. Records of same shall be made available to the Township upon request.

**§108. Operation.**

- A. No property owner shall operate and maintain an individual or community sanitary sewage disposal system in such a manner that it malfunctions. No system shall discharge untreated or partially treated sanitary sewage to the surface of the ground or into the Waters of the Commonwealth, as defined herein.
- B. Any of the following, shall not be discharged into any individual and community sanitary sewage disposal system:
  - 1. Industrial waste (without appropriate pretreatment).
  - 2. Automobile oil and other non-domestic oil.
  - 3. Toxic or hazardous substances or chemicals, including but not limited to pesticides, disinfectants (excluding household cleaners), acids, paints, paint thinners, herbicides, gasoline and other solvents.
  - 4. Clean surface or groundwater, including water from roof or cellar drains, springs, basement sump pumps and French drains.
  - 5. Wastewater resulting from hair treatment at beauty shops.
  - 6. Any nonorganic, biodegradable material.
  - 7. Flowing or during pumping backflow from the absorption area.
  - 8. Surface discharge, ponding or other signs of malfunction in the vicinity of the absorption area.
- C. All property owners with gray water discharges to the ground surface shall correct such discharges and route the gray water into the treatment tank (i.e., septic tank, or if applicable, cesspool). Surface discharge of gray water is indicative of a sub-standard system unable to adequately accept and treat the discharge from a dwelling/building, and probably in need of improvement or replacement. All rerouting and connections of gray water discharge to the sanitary sewage disposal system shall be in accordance with requirements of BCHD. Gray water discharges are a violation of Section 73.11 of the Pennsylvania Code, Title 25, Environmental Protection, and may also be a violation of Sections 202 and 207 of the

Pennsylvania Clean Streams Law, if the discharge is to any Waters of the Commonwealth (as defined herein). All violations shall be referred to BCHD.

- D. The use of garbage grinders connection to On-lot Sewage Disposal Systems is strongly discouraged for new construction and existing systems as they increase the solids in the treatment tank which may necessitate more frequent pumping or may cause improper functioning of the treatment unit.
- E. All new construction must comply with the Uniform Construction Code (UCC) requirements for water conserving plumbing fixtures and fittings. The Township, in conjunction with Bucks County Health Department, may require the installation of water conservation devices, consistent with the UCC, and other operation and/or maintenance procedures to improve the performance of malfunctioning On-lot Sewage Disposal Systems.

**§109. Sewage Management Priority.**

A. All lots, existing or proposed, which are not located within a public sewer service area or if extension of public sewer is not feasible as determined by the Township, must employ individual or community sewage disposal. The highest priority method of sewage disposal set forth in the following table that can be technically and administratively implemented on the subject property must be utilized. If disposal cannot be provided by higher-ranked method than proposed, the applicant must submit a written explanation of the reasons why the given lot is not suitable for these higher-ranked methods, along with the appropriate supporting data. A decrease in the number of dwelling units, businesses, and/or establishments that could be served by a certain method of sewage disposal upon the subject property shall not constitute a valid reason why a higher ranked method is not utilized in favor of a lower priority method. An applicant must show that the higher rank methods of sewage disposal will not function upon the subject property before proposing to employ a lower-ranked method.

B. Sewage Management Priority Table

- 1.a Individual on-lot sub-surface sewage disposal.
- 1.b Individual on-lot elevated or at grade sandmound.
- 2. Individual on-lot residential spray irrigation system (IRSIS).
- 3. Individual on-lot alternate system.
- 4. Community on-lot subsurface sewage disposal.
- 5. Community on-lot elevated sandmound.
- 6. Community on-lot spray irrigation system.
- 7. Community on-lot alternate system.
- 8. Small flow treatment facility with stream discharge.
- 9. Holding tank.
- 10. SEO permitted experimental system as approved by DEP.

**§110. System Rehabilitation/Repair/Replacement.**

A. If BCHD determines that any individual or community sewage disposal system is malfunctioning and, further, if the property abuts or fronts an existing municipal sewer, then the Township in conjunction with BCHD shall require that property be connected to said municipal sewer, at the property owner's



sole cost and expense. Under those circumstances, BCHD will not issue a permit for the repair of a malfunctioning on-lot sewage disposal system.

- B. If any individual or community sewage disposal system is observed to be malfunctioning, the Township will notify BCHD. The Township should be notified by BCHD and the property owner of all permits issued for repair of the system, and final inspections performed.
- C. Should BCHD indicate that it is not possible to repair or modify the system to comply with PADEP's standards for sewage disposal systems, then the property owner shall be required to have a replacement individual or community sewage disposal system designed for the property. The highest priority method of sewage disposal as listed above shall be utilized for the replacement system. Design shall conform to current regulations as promulgated by the PADEP and these regulations.
- D. BCHD may require the repairs/rehabilitation/replacement of any malfunction by the following methods; cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal area, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, and such other alternatives as appropriate for the specific site, including use of reservation areas.
- E. In lieu of, or in combination with, the remedies delineated by BCHD, the Township may require installation of water conservation equipment and the institution of water conservation practices in structures served. Water using devices and appliances in the structure may be required to be retrofitted with water saving appurtenances or they may be required to be replaced by water conserving devices and appliances.

**§111. Liens.**

A. The Township, upon written notice from BCHD that an imminent health hazard exists, due to failure of a Property Owner to maintain, repair/rehabilitate or replace any on-lot sewage disposal system, as regulated under the terms of this Ordinance, shall have the authority to perform or contract to have performed, the work required by BCHD. The Property Owner shall be charged for the work performed and shall reimburse the Township for any costs incurred by it. If any costs incurred by the Township are not paid by the Property Owner within thirty (30) days of invoice, the Township may elect to either sue the Property Owner in assumpsit for reimbursement of its costs or cause a municipal lien to be placed on the property pursuant to the Pennsylvania Municipal Claims and Tax Claims Act in the amount of any costs incurred or both.

B. The Township shall not, however, be obligated to perform or contract to have performed any work required to maintain, repair, rehabilitate or replace any on-lot sanitary sewage system.

**§112. Disposal of Septage.**

A. Pumper Registration. At least seven (7) days before offering pumping and/or inspection services to property owners that will enable their compliance with the terms of this Ordinance, all pumpers shall:

- 1. Register with the Township and comply with all reporting requirements established herein;
- 2. Document membership in the PA Septic Management Association;
- 3. Document that there is at least one employee/owner/operator certified in the PA Septic Management Association to perform On-lot Wastewater Treatment Inspections;
- 4. Identify all employees/owners/operator and vehicles that will provide pumping and/or inspection services within the Township;

5. Operate in a manner consistent with the provisions of the Pennsylvania Solid Waste management Act (Act 97 of 1980, 35 P.S. Section 6018.101-6018.1003);
  6. Provide a current fee schedule for all services required under this Ordinance;
  7. Provide documentation that all septage pumped from properties in this Township will be delivered to a DEP approved site or facility;
  8. Agree to notify the Township when there is a change in the personnel/employees or vehicles that provides services in accordance with this Ordinance within seven (7) days of the effective date of the change; and
  9. All septage pumper/haulers operating within the Township shall be licensed by BCHD/PADEP, as applicable.
- B. All septage originating within the Township shall be disposed of at sites or facilities approved by PADEP.
- C. The septage secured by pumpers/haulers operating within the Township shall be handled consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S., Sections 6018.101-6018.1003), and Regulations adopted pursuant to such ACT.

**§113. In Ground, Drip Irrigation, and Sand Mounds Sewage Systems.**

- A. The owner of a property that utilizes a drip irrigation or sandmound systems shall comply with the following:
1. Construct and maintain the system in conformance with this Ordinance and any other Ordinance of the Township, the Sewage Facilities Act, the rules and regulations of the BCDH and PADEP, and all applicable regulations and statutes of the Commonwealth of Pennsylvania.
  2. For other than an in ground sewage system, execute an agreement with the Township to hold the Township harmless in the event of a claim against the Township arising from the operation and maintenance of the system, and furthermore, pay a nonrefundable fee to the Township for its costs of administration, future compliance monitoring and enforcement of this Ordinance.
- B. No portion of the Sewage Facilities Act setback (isolation distance) requirements for the system may be located on any lot or property other than the parcel containing that system.
- C. No livestock of any type or equipment heavier than a common riding mower/garden tractor shall be allowed upon the absorption area of any sewage system.
- D. Replacement seepage beds are required to be identified for all lots with new systems and shall be in accordance with Section 118 of this Ordinance.

**§114 Individual Residential Spray Irrigation Systems (IRSIS).**

- A. The owner of a property utilizing an Individual Spray Irrigation System (IRSIS) shall:
1. Construct and maintain the system in conformance with this and any Ordinance of the Township, the act and rules and regulations of the Bucks County Department of Health and Pennsylvania Department of Environmental Protection and all applicable statutes of the Commonwealth of Pennsylvania.
  2. Execute an Operation and Maintenance Agreement with the Township which includes language to hold the Township harmless in the event of a claim against the Township arising from the

operation and maintenance of the system, and furthermore, pay a nonrefundable fee to the Township for its costs of administration, future compliance monitoring and enforcement of this Ordinance.

B. Design requirements:

1. The wetted perimeter of the primary spray field shall not encroach within the required minimum front, side, or rear yard setback designated by the Township Zoning Ordinance, except in the case of a repair of an existing system.
2. No portion of the Sewage Facilities Act setback (isolation distance) requirements for an IRSIS serving a lot created by subdivision after the effective date of this Ordinance, may be located on any lot or property other than the parcel containing the IRSIS.
3. Buffering:
  - a. Whenever the wetted perimeter of the spray irrigation field is located within 100 feet, but not less than 50 feet, of a property boundary, buffering shall include a minimum of one evergreen tree per 30 feet, and one canopy tree per 40 feet arranged along and within 25 feet of the property boundary.
  - b. Whenever the wetted perimeter of the spray irrigation field is located within 50 feet of the property boundary, buffering shall include a minimum of one evergreen tree per 20 feet arranged along and within 25 feet of the property boundary.
  - c. Buffer plant material shall conform to requirements of Section 140-37 and Appendix K of the Subdivision and Land Development Ordinance, as amended.
  - d. Where natural features/vegetation exist on the site, which duplicate, or essentially duplicate, requirements for buffering, buffer requirements may be waived by the Board of Supervisors.
4. Spray irrigation of the treated effluent shall be permitted only between the hours of 11:00 PM to 5:00 AM, unless alternate hours of operation are approved by the Township due to large lot area, distance from property line, prevailing wind direction, etc.
5. Replacement spray field is required to be identified for all new systems and shall be in accordance with Section 118 of this Ordinance.

**§115. Small Flow Treatment Facilities.**

A. The owner of a property that utilizes a small flow treatment facility shall:

1. Construct and maintain the system in conformance with this and Ordinance of the Township, the Act, and the rules and regulations of the Bucks County Department of Health, and the Pennsylvania Department of Environmental Protection, and all applicable statutes of the Commonwealth of Pennsylvania.
2. Execute an Operation and Maintenance Agreement with the Township which includes language to hold the Township harmless in the event of a claim against the Township arising from the operation and maintenance of the system, and furthermore, pay a nonrefundable fee to the Township for its cost of administration, future compliance monitoring, and enforcement of this Ordinance.

B. No component of a SFTF, including discharge line, may be located on any lot or property other than the parcel containing the facility. (Discharge route is not a component of the SFTF)

- C. If municipal sewer service becomes available for a property utilizing a small flow treatment facility, each and every owner of such property shall be required to make the necessary connection to the abutting or adjoining sewer lines if determined necessary by the Township or BCHD due to system failure or lack of proper maintenance. Small flow treatment facility must be disconnected and disposed of in accordance with applicable Pennsylvania Department of Environmental Protection and the Bucks County Department of Health rules and regulations.

**§116. Holding Tanks.**

- A. The owner of a property that utilizes a holding tank shall comply with the following:
1. Construct and maintain the system in conformance with this and Ordinance of the Township, the Act, and the rules and regulations of the Bucks County Department of Health, and the Pennsylvania Department of Environmental Protection, and all applicable statutes of the Commonwealth of Pennsylvania.
  2. Execute an Operation and Maintenance Agreement with the Township which includes language to hold the Township harmless in the event of a claim against the Township arising from the operation and maintenance of the system, and furthermore, pay a nonrefundable fee to the Township for its cost of administration, future compliance monitoring, and enforcement of this Ordinance.
- B. Proposed disposal site, method of disposal, and waste hauler for holding tank waste shall be approved by the Bucks County Department of Health and/or Pennsylvania Department of Environmental Protection in a manner consistent with the Solid Waste Management Act, prior to final approval for installation of the holding tank.
- C. Holding tanks require regular service and maintenance to prevent their malfunction and overflow and shall be used in lieu of other methods of sewage disposal only when the following conditions are met:
1. A temporary holding tank may be installed only when an Act 537 Revision provides for replacement of the holding tank by adequate sewerage services in accordance with a schedule approved by Hilltown Township and the Pennsylvania Department of Environmental Protection;
  2. when the Township, Bucks County Department of Health, or the Pennsylvania Department of Environmental Protection determines that the use of a holding tank is necessary to abate a nuisance or public health hazard; or
  3. for use by an institutional, recreational, or commercial establishment with a sewage flow of 800 gallons per day or less.
- D. These regulations do not apply to temporary use of portable retention tanks or portable chemical toilets when their use is proposed at construction sites or at the site of public gathering and entertainment.
- E. STANDARDS FOR HOLDING TANKS:
1. The holding tank shall be constructed to meet specifications of Title 25, Chapter 73, Department of Environmental Protection, Rules and Regulations relating to standards for septic tanks.
  2. Minimum capacity of a holding tank shall be 1,000 gallons or a volume equal to the quantity of waste generated within three days, whichever is larger.
  3. Holding tanks shall be equipped with a warning device to indicate when the tank is filled to within 75% of its capacity. Such warning device shall create an audible and visual sign at an exterior location frequented by the homeowner or responsible individual.

**§117. Alternate and Experimental Systems.**

- A. The owner of a property that utilizes an alternate system shall comply with the following:
1. Construct and maintain the system in conformance with this Ordinance and any other Ordinance of the Township, the Sewage Facilities Act, the rules, and regulations of the BCDH and PADEP, and all applicable regulations and statues of the Commonwealth of Pennsylvania.
  2. Execute an Operation and Maintenance Agreement with the Township that includes language to hold the Township harmless in the event of a claim against the Township arising from the operation and maintenance of the system, and furthermore, pay a nonrefundable fee to the Township for its cost of administration, future compliance monitoring, and enforcement of this Ordinance.
- B. Replacement areas are required to be identified for all new systems and shall be in accordance with Section 118 of this Ordinance.

**§118. Community Sewage Systems.**

- A. All community sewage systems shall comply with the following, along with any specific requirements of the sewage system type listed in the above sections:
1. Construct and maintain the system in conformance with this Ordinance and any other Ordinance of the Township, the Sewage Facilities Act, the rules, and regulations of the BCDH and PADEP, and all applicable regulations and statues of the Commonwealth of Pennsylvania.
  2. Execute an Operation and Maintenance Agreement with the Township that includes language to hold the Township harmless in the event of a claim against the Township arising from the operation and maintenance of the system, and furthermore, pay a nonrefundable fee to the Township for its cost of administration, future compliance monitoring, and enforcement of this Ordinance.
  3. All community sewage systems owned and maintained by a HOA must located be entirely upon a separate lot.
  4. The seepage bed(s) (including toe of sandmound slope) or the wetted perimeter of a spray field shall not encroach within the required minimum front, side, or rear yard setback designated by the Township Zoning Ordinance or within fifty (50) feet of a property boundary, whichever setback distance is greater.
  5. No portion of the Sewage Facilities Act setback (isolation distance) requirements for the appropriate system may be located on any lot or property other than the lot containing the system.
  6. Buffering. All community sewage systems shall be buffered as follows:
    - a. A minimum of one (1) evergreen tree per twenty (20) feet, one (1) canopy tree per forty (40) feet, and one shrub per six (6) feet arranged along and within twenty-five (25) feet of the property boundary.
    - b. A fence at least six (6) feet in height of material approved by the Township installed along the entire length of the property line behind the above listed buffer plants.
    - c. Buffer plant materials shall conform to the requirements of the Township's Zoning Ordinance.

- d. Where full grown trees exist on the site which duplicates the requirements for buffering, the buffering requirements of this Ordinance may be waived by the Township Board of Supervisors.
- 7. No livestock of any type or equipment heavier than a common riding mower/garden tractor shall be allowed upon the absorption area of any community sewage system.
- B. Replacement areas are required to be identified for all new systems and shall be in accordance with Section 118 of this Ordinance.

**§119. Replacement Areas.**

- A. Where replacement sewage disposal areas are required by this Ordinance, the following requirements shall be met:
  - 1. Any proposed replacement area shall comply with this Ordinance, any other Township Ordinance, the Sewage Facilities Act, the rules and regulations of the BCDH and PADEP, and all applicable regulations and statues of the Commonwealth of Pennsylvania, including, but not limited to, isolation distances.
  - 2. Allowance of open land for the replacement area, without the performance of appropriate soil testing to verify suitability of the land for a replacement area, shall not constitute compliance with the requirements of this section.
  - 3. Every replacement area shall be protected by a recorded easement that contains the following restrictions:
    - a. No improvements, whether permanent or temporary, shall be constructed upon or within the replacement area.
    - b. No permanent or temporary alterations, grading, excavation, stockpiling of any soil or any other material shall take place on or in the replacement area.
    - c. During any construction or other activities, the replacement area shall be marked and blocked off to prevent equipment with greater wheel loadings than a common riding mower/garden tractor from traveling over or operating upon the surface of the replacement area.
    - d. The final cover or improvement to every replacement area shall be limited to shallow rooted plant matter.
- B. Identification of replacement area.
  - 1. Any applicant who proposes to install the individual or community sewage system shall demonstrate to the satisfaction of the Township that a suitable replacement area exists on the same lot as the proposed sewage system, except when such installation is due to malfunction of an existing system. The Township or the BCDH shall perform or observe all tests required to identify the proper location for the replacement area.
  - 2. The location of the replacement area, as confirmed by the Township, shall be identified on the plot plans and diagrams submitted as part of any permit, subdivision, land development, or planning module application.
  - 3. Replacement areas may encroach with front, side, and rear yard setbacks as established by the Zoning Ordinance; however, must be consistent with environmental protection standards of the Zoning Ordinance.

4. Any revisions to a permit or plan affecting a previously approved replacement area shall be reviewed for approval by the Township Board of Supervisors or its authorized representative.
  5. If a replacement area has been already identified upon a lot or parcel, an applicant may attempt to identify, to the Township's satisfaction, an alternate replacement area upon the lot or parcel. This alternate replacement area shall comply with this Ordinance. Once an alternate replacement area is identified, this alternate replacement area may be considered as such for the purposes of this Ordinance, so long as it meets all the requirements and protections of this Ordinance.
- C. Subdivision/Land Development Restrictions.
1. All applications for subdivision or land development shall provide for a replacement area(s) upon its plan(s) and shall place a note upon the approved record plans stating that no improvements shall be constructed upon and no alterations shall be made to any replacement area. The applicant shall also execute and record new or corrected deeds for each lot created by or a part of the subdivision or land development that contain language protecting the replacement area within the lots' boundaries.
  2. The subdivision/land development plan shall also note and specifically require the replacement area be marked and physically blocked off to prevent equipment with greater wheel loadings than a common riding mower/garden tractor from traveling over or operating upon the surface of the replacement area. The plan shall require the final cover or improvement to every replacement area to be limited to shallow rooted plant matter.
- D. Relief from Replacement Area Requirement.
1. If any lot held in single and separate ownership as of the effective date of this Ordinance does not contain land suitable for a replacement area, a landowner desiring to install an individual OLDS may seek an exception to the requirement of providing a replacement area from the Township Board of Supervisors. An applicant for such an exception shall present credible evidence to the Board demonstrating the following:
    - a. that the lot was held in single and separate ownership on the effective date of this Ordinance;
    - b. the size of the lot;
    - c. inability of the applicant to acquire land or the unsuitability of adjacent land which might be able to be acquired; and
    - d. the testing conducted to determine that no area upon the lot is suitable for a replacement area.
  2. At all times, the burden to present credible evidence and the burden of persuasion shall be upon the applicant for an exception from the terms of this Section. In no case shall any applicant be exempted from this burden or the presentation of the required evidence.
  3. An applicant who is seeking to subdivide his/her property shall not be allowed to seek an exception under this Subsection.
  4. Any applicant granted an exception under this Subsection shall enter into an O&M Agreement with the Township and shall provide the Township with a performance bond.
  5. Community OLDS cannot apply for an exemption and must have an appropriate replacement area.

**§120. Sewage maintenance agreements; fees.**

- A. All owners of property or persons who propose utilizing an individual spray irrigation system, small flow treatment facility, community on-lot sewage disposal facility, alternate or experimental sewage disposal facility, or sewage disposal facility on sites containing marginal conditions for on-lot sewage disposal, shall execute a sewage facilities Operation and Maintenance Agreement with the Township. The agreement shall provide for deposit of a nonrefundable fee to the Township for administration and future compliance monitoring; and shall further provide for sufficient financial security to guarantee the proper operation and maintenance of the proposed facility in accordance with the Act, which may include cash, Letter of Credit, or other Township approved financial security. The minimum amount of financial security to guarantee the proper operation and maintenance of the proposed facility shall be \$1,500.00, for each lot or parcel having the requirement for execution of a sewage facilities Operation and Maintenance Agreement; with the amount of financial security subject to revision by the Township from time to time by adoption of a Resolution of the Board of Supervisors. If the financial security is reduced to \$500.00, the Property Owner shall post sufficient funds to return the financial security for up to \$1,500.00 as determined by the Board of Supervisors.
- B. Prior to execution of an Operation and Maintenance Agreement by the Township, the property owner shall accomplish the following items:
1. Applicant shall obtain verification from the Bucks County Department of Health indicating that the site is generally suitable for installation of an on-lot sewage disposal facility as proposed.
  2. Three copies of the site plan and design of the proposed sewage disposal system shall be filed with the Township unless the property is subject of a subdivision or land development plan currently being processed by the Township.
  3. Any additional information, such as information on size, location, or as otherwise required by the Township, shall be submitted to the Township for review.
  4. A fee in an amount established by separate resolution of the Board of Supervisors, as amended from time to time, shall be paid to the Township for review of submitted documentation, and preparation of the Operation and Maintenance Agreement.
  5. Applicant shall deposit financial security as required by the Operation and Maintenance Agreement, to be held by the Township and used only in the event that the Township is required to perform any services, or pay for any services, relative to administering terms of the Operation and Maintenance Agreement. Financial security amount for community sewage systems shall be established by the Township based on the size of the system and an estimate of annual operation and maintenance costs submitted by the design engineer.

**§121. Administration.**

- A. The Township shall be authorized to exercise the powers conferred upon it pursuant to the terms and conditions of this Ordinance or any other applicable laws of the County, State and Federal government.
- B. The Township Board of Supervisors may establish a fee, by resolution, the purpose of which is to defray the cost of the inspections and other aspects of the sanitary sewage management plan as set forth in this Ordinance.

**§122. Waiver and Appeal Procedure.**

- A. The provisions of this Ordinance are intended as minimum standards for the protection of the public health, safety, and welfare. The Board of Supervisors of Hilltown Township may grant a waiver from literal compliance with mandatory provisions of this Ordinance provided that the following findings are made where relevant in a given case:



1. That compliance would cause unnecessary hardship, excluding economic hardship, as it applies to a particular property.
  2. That such unnecessary hardship has not been created by the appellant.
  3. That the waiver, if authorized, will not alter the essential character neighborhood or district in which the property is located, nor substantially or permanently impact the appropriate use of development of adjacent property, nor be detrimental to the public welfare.
  4. That the waiver, if authorized, will represent the minimum modification necessary to afford relief and will represent the least modification possible of the regulation in issue.
  5. That an alternative proposal will not allow for equal or better results.
  6. That the alternative proposal does not violate or conflict with any statute or regulation enacted by the Commonwealth of Pennsylvania, PADEP or the Bucks County Department of Health.
- B. Additionally the Board of Supervisors may hear and decide appeals where it is alleged that the Zoning Officer or other authorized designee of the Township has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this Ordinance.
- C. The approval of a waiver or appeal shall not have the effect of making null and void the intent and purpose of this Ordinance. In the approval of a waiver or appeal, the Board of Supervisors may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this Ordinance. This Section of this Ordinance shall in no way preempt the authority of the BCDH or the DEP.
- D. Application Procedures for a Waiver Request and/or Appeal. All requests for waivers or appeals shall be processed in accordance with the following:
1. A request for a waiver or appeal shall be submitted to the Township Secretary. The request shall be made in writing and identify (1) the specific Section of this Ordinance which is requested for waiver or the decision which is being appealed; (2) the proposed alternative to the requirement, when applicable; and (3) justifications for an approval of the waiver or appeal.
  2. Along with an application fee, the applicant shall deposit a sum of money in an escrow account. The amount of both the application fee and the escrow shall be established by a separate resolution of the Board of Supervisors. In its discretion, the Board may waive or reduce the initial escrow amounts. The escrow shall be used to reimburse Hilltown Township for all reasonable professional expenses incurred during the review, hearing, and decision of the waiver request/appeal. The applicant shall reimburse all costs and expenses in excess of the escrow account within thirty (30) days of receiving an invoice for these excess expenses.
  3. The Township shall (1) schedule the waiver request/appeal by the Board of Supervisors at a public meeting within forty-five (45) days of receipt of the application and (2) provide adequate notice of the meeting at which the request/appeal will be considered to the applicant, the Zoning Officer, and any other involved parties.
  4. Following the hearing upon the waiver request/appeal, the Board of Supervisors shall take such public action as it shall deem advisable no later than its next regularly schedule monthly public meeting. Such action shall cite the findings supporting and reasons for the disposition of the waiver or appeal. Failure by the Board to act within this timeframe shall be deemed a denial of the request/appeal.

**§123. Municipal Liability.**

The degree of sewage management required by the provisions of this Ordinance is considered reasonable for regulatory purposes. The issuance of permits by the Township, its officers or employees, shall not be deemed to relieve the applicant/permittee of responsibility to those adversely affected by the proposed employed sewage system. Further, the Township, through the issuance of a permit, assumes no responsibility to either the applicant/permittee or adjacent property owners affected by the sewage system or for any discharge of sewage.

**§124. Penalties.**

- A. Any property owner and/or person who has violated or permitted the violation of the provisions of this Ordinance, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, shall pay a judgment of \$500.00 plus all court costs, including reasonable attorney's fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of the violation by the District Justice. If the responsible party neither pays judgment nor files a timely appeal, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid over to the Township.
- B. In addition to the rights as set forth in this paragraph, the Township may take such other rights as are available to it to enforce the provisions of this Ordinance including resort to the courts of equity to seek compliance with the provisions of this Ordinance.

**§125. Repealer.**

All Ordinances or parts thereof which are inconsistent herewith are hereby repealed. The following Ordinances are specifically repealed: Ordinance 96-4 (Spray Irrigation) and Ordinance 99-12, (Holding Tanks).

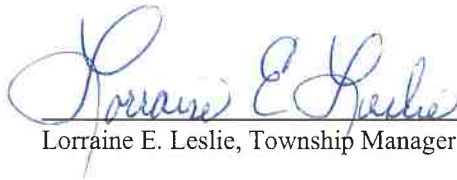
**§126. Severability.**

Should any section of this Ordinance or part thereof be declared invalid by a court of competent jurisdiction, such invalidity shall not affect the balance of the Ordinance since it was the intent of the Board of Supervisors that said Ordinance would have been adopted even if such invalid provision had not been included.

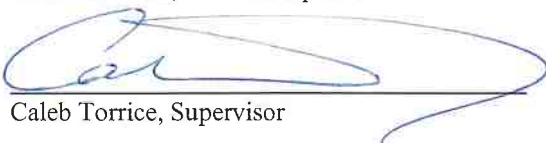
This Ordinance was duly **ORDAINED** and **ENACTED** this 23<sup>rd</sup> day of November, 2020.

HILLTOWN TOWNSHIP  
BOARD OF SUPERVISORS

  
John B. McPhinney, Chairperson

  
Lorraine E. Leslie, Township Manager

James C. Groff, Vice-Chairperson

  
Caleb Torrice, Supervisor