

ORDINANCE NO. 99-12

AN ORDINANCE OF HILLTOWN TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA, REGULATING THE INSTALLATION AND OPERATION OF HOLDING TANKS WITHIN THE TOWNSHIP, ESTABLISHING REGULATIONS AND PERMIT FEES, PROVIDING PENALTIES FOR VIOLATIONS AND REPEALING ORDINANCE NO. 93-1.

The Hilltown Township Board of Supervisors hereby ordains:

**Section 1. Purpose:** The purpose of this Ordinance is to establish procedures for the use and maintenance of holding tanks when Hilltown Township, the 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 eight hundred (800) 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 Protection. 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. **Holding Tank** – A watertight receptacle which received and retains sewage 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** – A permanent or portable non-flushing toilet using chemical treatment in the retaining tank for odor control.
  2. **Composting Toilet** – A device for holding and processing human and/or organic kitchen waste employing the process of biological degradation through the action of the microorganisms to produce a stable, humus-like material.
  3. **Incinerating Toilet** – A device capable of reducing waste materials to ashes.
  4. **Recycling Toilet**- A device in which the flushing medium is restored to a condition stable for reuse and flushing.
  5. **Retention Tank**- A holding tank where sewage is conveyed to it by a water carrying system.
  6. **Vault Pit Privy**- A holding tank designed to receive sewage where water under pressure is not available.

- B. **Improved Property** – 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.
- C. **Owner**- Any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.
- D. **Person** – Any natural person, partnership, association or corporation. Whenever used in any clause prescribing and imposing a penalty, or imposing a fine or imprisonment, or both, the term “person” shall include the members of an association and the officers of a corporation.
- E. **Sewage** – Any substance that contains any of the waste produces 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.
- F. **Temporary Holding Tank**- A holding tank installed pending installation of a replacement system or public sewer facilities.
- G. **Township**- Hilltown Township, Bucks County, Pennsylvania.

**Section 3. Rights and Privileges:** The Township Supervisors and/or their designees are authorized to adopt such rules and regulations by separate Resolution as they deem necessary to control, regulate and inspect the methods of holding tank sewage disposal and the collection and transportation of sewage from such tanks.

**Section 4. Other Regulations:** The collection and transportation of all sewage from any use utilizing a holding tank shall be performed under the direction and control of the Township by a hauler licensed by the Bucks County Department of Health. The disposal thereof shall be made only at such site or sites as may be approved by the Bucks County Department of Health.

**Section 5. Procedue for Obtaining Holding Tank Permit:** Before a holding tank may be installed to service any use, the property owner shall:

- A. Obtain a permit for the holding tank form the Bucks County Department of Health and/or Pennsylvania Department of Environmental Protection.
- B. File a copy of the Bucks County Department of Health and/or Pennsylvania Department of Environmental Protection 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 cleaning 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 (1) year of the date of issuance.

**Section 6. 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 Protection 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 when deemed necessary by the Township.

**Section 7. Township Regulation:** Any obligation or duty assigned by the Township under this Ordinance shall be limited to holding tanks installed and used after the effective date hereof.

**Section 8. Public Sewer Connections:** From time to time in the future, as public sewage services become available to any property utilizing a holding tank, each and every owner of such property shall be required to make the necessary connection to the abutting or adjoining sewer lines. The holding tank must be disconnected and disposed of in accordance with applicable Pennsylvania Department of Environmental Protection regulations and connection to the public sewer system shall be made upon notice by the Township.

**Section 9. 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 through equitable or legal relief from the Bucks County Court of Common Pleas.

**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 fifteen (15) days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

**Section 11. Repealer:** All ordinance or parts of ordinances which are inconsistent herewith are hereby repealed. The following Ordinances are specifically repealed:


**Ordinance No. 93-1**

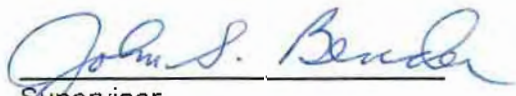
**Section 12. Severability:** If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, or part of 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 unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included therein.

**Section 13. Effective Date:** This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED into an Ordinance this 27<sup>th</sup> day of November, 1999, by the Board of Supervisors of the Township of Hilltown in lawful session duly assembled.

  
Chairman

  
Vice Chairman

  
Supervisor