



ORDINANCE NO. 96-4

AN ORDINANCE OF HILLTOWN TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA, REGULATING THE INSTALLATION AND OPERATION OF INDIVIDUAL RESIDENTIAL SPRAY IRRIGATION SYSTEMS AND REPEALING ORDINANCE NO. 87-4.

The Hilltown Township Board of Supervisors hereby ordains:

Section 1. Purpose:

The purpose of this Ordinance is to establish procedures for the installation, use, and maintenance of individual residential spray irrigation systems (IRSIS) within Hilltown Township when the system is permitted through the Bucks County Department of Health.

Section 2. Supplemental Standards:

This Ordinance, by reference, hereby incorporates the individual residential spray irrigation system standards of the Department of Environmental Protection dated June, 1996, as amended, pertaining to design, construction, maintenance, and operation.

Section 3. Design Requirements:

- A. No component of an IRSIS (including the wetted perimeter of the spray field) shall encroach within the required front, side, or rear yard area designated by the Township Zoning Ordinance.
- B. Whenever the wetted perimeter of the spray irrigation field is located within fifty (50) feet of a property boundary, a fence at least four (4) feet in height of material approved by the Township (such as split rail fencing with wire backing) shall be installed along the property line. Fence shall extend at least twenty-five (25) feet beyond the limits of the spray field.
- C. Buffering
 - 1) Whenever the wetted perimeter of the spray irrigation field is located within one hundred (100) feet, but not less than fifty (50) feet of a property boundary, buffering shall be required as follows:

Buffer plantings shall include a minimum of one (1) evergreen tree per thirty (30) feet and one (1) canopy tree per forty (40) feet arranged along and within twenty-five (25) feet of the property boundary.

2) Whenever the wetted perimeter of the spray irrigation field is located within fifty (50) feet of a property boundary, buffering shall be required as follows:

Buffer plantings shall include a minimum of one (1) evergreen tree per twenty (20) arranged along and within twenty-five (25) feet of the property boundary.

3) Buffer plant material shall conform to requirements of Section 515 of the Subdivision and Land Development Ordinance.

4) 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.

- D. Spray irrigation of the chlorinated effluent shall be permitted only between the hours of 11:00PM to 5:00AM.
- E. Minimum isolation distances required by PADEP may be increased by the Township based upon prevailing winds (from N-78 -W).
- F. Spray nozzles located within fifty (50) feet of a property boundary shall be directed toward the interior of the lot and away from the adjacent property boundary. Sprinkler heads shall be placed on risers eighteen (18) inches from ground surface. Trajectory of the discharged effluent shall not exceed a height of six (6) feet.
- G. When a wind velocity interlock system becomes commercially available, the Township shall require a wind velocity interlock to be installed, which will prevent operation of the spray field/sprinklers during wind velocities in excess of ten (10) m.p.h.. If the wind velocity interlock system is not installed by the owner within thirty (30) days of written notice from the Township, the Township shall secure a contractor to make the installation and utilize escrow funds to make payments for all costs incurred.

Section 4. Procedure for Obtaining an Individual Spray Irrigation System Permit:

Before an IRSIS permit may be issued, the property owner shall:

- A. Obtain verification from the Bucks County Health Department indicating that the site is generally suitable for installation of an IRSIS.
- B. File copy of the site plan and design of the proposed IRSIS with the Township.
- C. Submit such additional information on size, location, or otherwise as the Township may require in order to complete a review.
- D. Pay a fee to the Township for the IRSIS permit in accordance with the appropriate resolution as adopted by the Board of Supervisors from time to time.
- E. Execute an agreement for maintenance and hold the Township harmless in the event of a claim against the Township arising from the operation of the IRSIS.
- F. Deposit and/or post the sum of money for security in the form and/or amount as provided by the IRSIS Maintenance Agreement. 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 IRSIS. Board of Supervisors shall have the right to claim the entire escrow deposit as reimbursement for Township expenses.
- G. Permit issued under the terms of this agreement shall become null and void if the IRSIS installation has not been completed to the satisfaction of the Township within two (2) years of the date of issuance.

Section 5. IRSIIS Maintenance Agreement:

The owner of a property that utilizes an IRSIS shall execute a maintenance agreement approved by the Township to ensure compliance with the regulations and standards for operation and maintenance of the system. The escrow or other security shall be sufficient to cover the cost of future operation and maintenance of the system over its design life up to a maximum of 50% for each of the first two (2) years of operation and not more than 10% for each year thereafter of the equipment and installation cost of the system.

Section 6. Public Sewer Connection:

From time to time in the future, as public sewage service, has become available to any property utilizing IRSIS, each and every owner of such properties shall be required to make the necessary connection to the abutting or adjoining sewer line. The IRSIS 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 and in accordance with the applicable standards of the servicing municipal authority. All authority costs relative to the public sewer connections shall be the responsibility of the property owner.

Section 7. Abatement of Nuisances:

In addition to any other remedies provided by 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 8. Violations:

Any person who violates any provision of this Ordinance shall, upon determination thereof, be assessed a fine not exceeding \$1,000.00. Any person who violates or permits the violation of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay the fine set by the Board of Supervisors plus all Court costs, including reasonable attorney fees that have been incurred by the Township. In the event the person who violates any provision of this Ordinance neither pays nor timely appeals the judgement, the Township may then enforce the judgement pursuant to applicable rules of civil procedure. Each day that a violation of this Ordinance continues shall constitute a separate violation and offense.

Section 9. Repealer:

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed. The following Ordinances are specifically repealed:

Ordinance 87-4

Section 10. 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

unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included therein.

Section 11. Effective Date:

This Ordinance shall become effective five (5) days after its adoption. ENACTED AND ORDAINED INTO AN ORDINANCE THIS 28th DAY OF OCTOBER AD, 1996, BY THE BOARD OF SUPERVISORS OF HILLTOWN TOWNSHIP AND LAWFUL SESSION DULY ASSEMBLED.

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS

John H. Bennett
James R. [unclear]
J. Carroll Foy