

ORDINANCE NO. 83-3

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 NO. 73-3

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 designed to receive and retain sewage from certain industrial and commercial uses only, where connection to sanitary sewers is imminent, and 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" means 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 toilet using chemicals that discharge to a holding tank.

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.

C. "Improved Property" shall mean only property within a zoned industrial or commercial district of 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; a holding tank is not permitted in a residential use district, except as an emergency measure necessary to abate a nuisance or public health hazard.

D. "Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of 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.

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 tank 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 purposes 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 industrial or commercial 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 7. PROCEDURE FOR OBTAINING HOLDING TANK PERMIT: Before a holding tank may be installed to service a commercial or industrial use, the property owner shall:

A. Obtain a permit for the holding tank from the Bucks County Department of Health.

B. File a copy of the Bucks County Department of Health permit, application and sketch 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 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 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.

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 this 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 Township 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 when deemed necessary by the Township, as well as the cost thereof.

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 Three Hundred Dollars (\$300.00) and costs, or to undergo imprisonment in the Bucks County Prison for a period not in excess of 15 days. Each day that a violation is permitted to exist shall constitute a separate violation.

SECTION 11. Where sanitary sewer lines are to be constructed as part of a development plan or as required by final approval documents, the lines shall be installed according to specifications of the Municipal Authority with jurisdiction and capped. Whenever the sanitary sewer becomes available for use, the holding tank must be disconnected and disposed of in accordance with the Township holding tank permit, 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 73-3 is hereby repealed. Further, all Ordinances or Resolutions or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, be and the same 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 the Township, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 15. EFFECTIVE DATE: This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED into an Ordinance this 8th day of August, A.D., 1983, by the Board of Supervisors of the Township of Hilltown in lawful session duly assembled.

HILLTOWN TOWNSHIP
BOARD OF SUPERVISORS

Vincent Pischl
Vincent Pischl, Chairman

Mary Lockard
Mary Lockard, Vice Chairperson

Robert Grunmeier
Robert Grunmeier, Supervisor

Attest
Debra Kutchinski
Sec. Treas