

ORDINANCE NO. 2014-007

**An Ordinance of Solebury Township, Bucks County, Pennsylvania
Governing Management of Onlot Sewage Disposal Facilities**

BE IT ORDAINED by the Supervisors of Solebury Township, Bucks County, Pennsylvania, as follows:

Section I. Short Title: Introduction; Purpose

- A. This ordinance shall be known and may be known as “An Ordinance providing for the Onlot Sewage Management Program for Solebury Township.”
- B. As mandated by the municipal codes, the Clean Streams Law (35 P.S. §691.1 to 691.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966. P.L. 1535 as amended, 35 P.S. §750.1 *et seq.*, known as Act 537), municipalities have the power and the duty to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for Solebury Township indicates that a sewage management program will be implemented to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage, which is also in accordance with the resource protection goals of Solebury Township’s Comprehensive Plan.
- C. The purpose of this Ordinance is to provide for the regulation, inspection, operation, maintenance and rehabilitation of onlot sewage disposal systems; to further permit Solebury Township to intervene in situations which may constitute a public nuisance or hazard to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

Section II. Terms and Definitions

- A. “ACT” shall mean The Pennsylvania Sewage Facilities Act, Act of January 24, 1966 (1965 P.L. 1535, No. 537), as amended, 35 P.S. Section 750.1 *et seq.* and which is also referred to as Act 537.
- B. “ABSORPTION AREA” shall mean a component of an individual or community sewage system where liquid from a treatment tank seeps into the soil, and which consists of an aggregate-filled area containing piping for the distribution of liquid and the soil or sand/soil combination located beneath the aggregate.
- C. “AGGREGATE” shall mean coarse material manufactured from stone, gravel or slag, having Type B characteristics as described in the Department of Transportation specifications, Form 408, section 703.3, Table B and uniform size and grading equivalent to American Association of State Highway and Transportation Officials No. 57, as described in Form 408, section 703.3, 2 Table C.
- D. “ALTERNATE SEWAGE SYSTEM” shall mean a demonstrated method for the treatment and disposal of sewage that meet the criteria in 25 Pa. Code § 73.72, and as described

in the *Alternate Systems Guidance* published by DEP. Examples include, but are not limited, to composting toilets, sand filter and peat based systems, greywater systems and drip irrigation systems.

- E. "AUTHORIZED AGENT" shall mean a certified sewage enforcement officer, professional engineer or sanitarian, plumbing inspector, soils scientist or any other qualified or licensed provisions of this Ordinance.
- F. "BOARD" shall mean the Board of Supervisors of Solebury Township.
- G. "BUILDING SEWER" shall mean the piping carrying liquid wastes from a building to the treatment tank or holding tank.
- H. "CESSPOOL" shall mean a covered pit with open jointed lining which receives sewage or other organic wastes directly from a building drain or building sewer and which retains and allows liquid waste to pass through the bottom and sides of the pit. This is an antiquated sewage system that predates DEP standards at 25 Pa. Code § 73.
- I. "CODES ENFORCEMENT OFFICER" shall mean an individual employed or appointed by Solebury Township to administer and enforce ordinances of the Township.
- J. "COMMUNITY ONLOT SEWAGE SYSTEM" shall mean a community sewage system, which uses a system of piping, tanks or other facilities for collecting, treating or disposing of sewage into a soil absorption area or spray field or by retention in a retaining tank.
- K. "COMMUNITY SEWAGE SYSTEM" shall mean a sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots, or two or more equivalent dwelling units, and the treatment and/or disposal of the sewage on one or more of the lots or at another site.
- L. "CONVENTIONAL SEWAGE SYSTEM" shall mean a system employing the use of demonstrated onlot sewage treatment and disposal technology in a manner specifically recognized by the Pennsylvania Sewage Facilities Act. The term refers to individual and community onlot sewage systems, including sand mounds but does not include alternate or experimental sewage systems.
- M. "DEP" shall mean the Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor agency.
- N. "DOSING PUMP" shall mean the pump housed in a dosing tank which provides a measured volume of sewage effluent to a pressurized distribution system in an absorption area.
- O. "EQUIVALENT DWELLING UNIT (EDU)" shall mean the number of lots in a subdivision for the purpose of determining planning exemptions and fees for planning module reviews; or that part of multiple family dwellings, and commercial, industrial or institutional establishments with sewage flows equal to 400 GPD. EDUs shall be rounded up to whole numbers.

- P. "EXPERIMENTAL SEWAGE SYSTEM" shall mean a method of onlot sewage treatment and disposal not included in the Act and which is proposed for the purposes of testing and observation.
- Q. "INDIVIDUAL ONLOT SEWAGE SYSTEM" shall mean an individual sewage system serving a single lot that uses a system of piping, tanks or other facilities for collecting, treating or disposing of sewage into a soil absorption area or spray field or by retention in a retaining tank.
- R. "INDIVIDUAL RESIDENTIAL SPRAY IRRIGATION SYSTEM (IRSIS)" shall mean an individual sewage system which serves a single dwelling and which treats and disposes of sewage using a system of piping, treatment tanks and soil renovation through spray irrigation.
- S. "INDIVIDUAL SEWAGE SYSTEM" shall mean 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 waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposal.
- T. "LAND DEVELOPMENT" shall mean a land development as defined in the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. Section 10101 *et seq.*
- U. "LOCAL AGENCY" shall mean the entity to which DEP has delegated the authority to administer the new land development planning and sewage facilities permitting provisions of the Act. The Local Agency for Solebury Township is the Bucks County Department of Health.
- V. "LOT" shall mean 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. Whenever a lot is used for a multiple family dwelling or for commercial, institutional or industrial purposes, an EDU value shall be assigned, as determined by an estimate of sewage flows.
- W. "MAINTENANCE" shall mean those actions required to provide for the long term proper functioning of an onlot sewage system, including, but not limited to, pumping septage from a septic tank, cesspool or dry well and pump tank; cleaning, pumping or leveling of distribution box; removal of trees or other growth affecting the operation of an onlot sewage system; diversion of surface water away from an onlot sewage system; and reduction of flow from the structure being served, such as installation of water conservation devices.
- X. "MALFUNCTION" shall mean the condition which occurs when an onlot sewage disposal system discharges inadequately treated sewage onto the surface of the ground, into the groundwater or surface waters, or causes the contamination of private or public drinking water supplies, nuisance problems or hazard to public health. Systems shall be considered to be malfunctioning if any condition noted occurs for any length of time during any time of the year. Indications of malfunctioning systems include, but are not limited to, foul odors, lush grass growing over the onlot sewage system, overflow of any

component, backup of wastewater in the attached buildings, soggy ground over the onlot sewage system, or surfacing sewage effluent flowing over the ground.

- Y. "OFFICIAL SEWAGE FACILITIES PLAN" shall mean a comprehensive plan for the provision of adequate sewage systems, adopted by Solebury Township and approved by DEP in accordance with the Act and with applicable DEP regulations.
- Z. "ONLOT SEWAGE DISPOSAL SYSTEM" shall mean any sewage system for disposal of domestic sewage involving pretreatment and subsequent disposal of clarified sewage into a subsurface soil absorption area or retaining tank. The term refers to both individual and community sewage systems.
- AA. "ONLOT SEWAGE SYSTEM REGISTRATION" shall mean the form made available by Solebury Township to property owners to register their on-lot sewage system with the Township.
- BB. "OWNER" shall mean any person or persons, corporation, partnership, trust, or other legal entity holding deed/title to lands within Solebury Township.
- CC. "PERSON" shall mean any individual, association, partnership, public or private corporation for profit or not-for-profit, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district, authority, or any other legal entity whatsoever is recognized by law as the subject of rights and duties. Whenever the term person is used in connection with any clause prescribing and imposing a penalty or imposing a fine or imprisonment, 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.
- DD. "PLANNING MODULE FOR NEW LAND DEVELOPMENT" shall mean a supplement, revision to, or exception to the revision of Solebury Township's Official Sewage Facilities Plan submitted in accordance with DEP requirements and as required for approval of a subdivision or land development plan.
- EE. "PUMPER/HAULER" shall mean any person who engages in cleaning or pumping out individual or community onlot sewage systems and who transports the septage removed from these sewage systems for disposal, as licensed by the Bucks County Department of Health.
- FF. "PUMPER'S REPORT" shall mean the form used by the licensed pumper/hauler to report pumping of an onlot sewage system.
- GG. "REHABILITATION OR REPAIR" shall mean work done to modify, alter, relocate, repair, enlarge or replace all or part of an existing onlot sewage system including filters, pumps and connecting lines.
- HH. "REPLACEMENT AREA" shall mean an area designated as the future location of an individual onlot sewage system that shall be installed should the originally-installed individual onlot sewage system fail or otherwise become inoperable and which shall meet all the regulations of DEP and all applicable Township ordinances for an individual

onlot sewage disposal system, and shall be protected from encroachment by an easement recorded on the Final Plan as filed with the Bucks County Recorder of Deeds.

- II. "RETAINING TANK" shall mean a watertight receptacle that receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. The term includes the following:
1. Chemical toilet: A permanent or portable non-flushing toilet using chemical treatment in the retaining tank for odor control.
 2. Holding tank: A tank, whether permanent or temporary, to which sewage is conveyed by a water-carrying system.
 3. Privy: A tank designed to receive sewage where water under pressure is not available.
 4. Incinerating toilet: A device capable of reducing waste materials to ashes.
 5. Composting toilet: A device for holding and processing human and organic kitchen waste employing the process of biological degradation through the action of microorganisms to produce a stable, humus-like material.
 6. Recycling toilet: A device in which the flushing medium is restored to a condition suitable for reuse in flushing.
- JJ. "SEPTAGE" shall mean the residual scum and sludge pumped from an onlot sewage system comprised of a septic tank.
- KK. "SEWAGE" shall mean a substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals; a substance harmful to the public health, to animal or aquatic life, or to the use of water for domestic water supply or for recreation; or a substance which constitutes pollution under the Pennsylvania Clean Streams Law at 35 P.S. §§ 691.1—691.1001.
- LL. "SEWAGE ENFORCEMENT OFFICER (SEO)" shall mean a person certified by the Pennsylvania Department of Environmental Protection in accordance with 25 Pa. Code § 71, Administration of Sewage Facilities Program, to perform percolation tests, site and soil evaluations, and review and issue sewage permits for onlot sewage disposal systems. The Sewage Enforcement Officer for Solebury Township is provided by the Bucks County Health Department.
- MM. "SEWAGE MANAGEMENT PROGRAM (SMP)" shall mean a comprehensive set of legal and administrative requirements encompassing the requirements of this Ordinance, the Sewage Facilities Act, the Clean Streams Law, the regulations promulgated thereunder and such other regulations adopted by Solebury Township to effectively enforce and administer this Ordinance.
- NN. "SMALL FLOW TREATMENT FACILITY (SFTF)" shall mean an individual or community sewage system designed to adequately treat sewage flows not greater than 2,000

gallons per day (GPD) for final disposal using a stream discharge or other methods approved by DEP.

- OO. "SPRAY FIELD" shall mean piping, spray heads and ground surface to the outside edges of the wetted perimeter, used for the application and treatment of the sewage effluent from an individual residential spray irrigation system.
- PP. "SUBDIVISION" shall mean a division of a lot, tract or other parcel of land as defined by the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. Section 10101 et seq.
- QQ. "TOWNSHIP" shall mean Solebury Township, Bucks County, Pennsylvania, its Board of Supervisors, their designated officials or authorized agent.
- RR. "WATERS OF THIS COMMONWEALTH" shall mean rivers, streams, creeks, rivulets, impoundments, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs and other bodies and channels of conveyance of surface or underground water, or any of their parts, whether natural or artificial within or on the boundaries of this Commonwealth.

Section III. Applicability

From the effective date of this ordinance, its provisions shall apply to all persons owning any property served by an individual or community onlot sewage disposal system and to all persons installing, servicing or rehabilitating onlot sewage disposal systems.

Section IV. Permit Requirements

- A. No person shall install, construct, or rehabilitate, or solicit proposals for the installation, construction or rehabilitation of an individual or community onlot sewage system, or occupy any building or structure for which an individual or community onlot sewage system is to be installed without first obtaining a permit from the Bucks County Department of Health. The permit shall indicate that the site and the plans and specifications of the system comply with the provisions of the Clean Streams Law, the Pennsylvania Sewage Facilities Act and the regulations adopted pursuant to those Acts.
- B. Systems or structures designed to provide individual or community sewage disposal shall not be covered from view until approval to cover the same has been given by the Bucks County Department of Health.
- C. Applicants for individual or community sewage system permits shall notify the Bucks County Department of Health of the schedule for construction of the permitted onlot sewage disposal system so the inspections, in addition to the final inspection required by the Act, may be scheduled and performed by the Bucks County Department of Health.
- D. No building or occupancy permit shall be issued by the Township or its codes enforcement officer for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from the Bucks County Department of Health.

- E. No building or occupancy permit shall be issued by the Township, and no work shall begin on any alteration or conversion of any existing structure, if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until approval of use of the existing sewage system has been received from the Bucks County Department of Health. The Township should receive notification from the Bucks County Department of Health of all sewage permits reviewed and issued in Solebury Township.
- F. Individual or community sewage disposal permits may be issued only by a Sewage Enforcement Officer employed by the Bucks County Department of Health in Solebury Township per the requirements of 25 Pa. Code § 72.
- G. No contractor shall install, construct or rehabilitate or alter an individual or community sewage disposal system without verifying that the property owner has complied with the provisions of this Ordinance.
- H. Exemptions for properties of ten acres or more are not permitted. These properties shall obtain a permit indicating that the onlot sewage disposal system meets the construction requirements of the Pennsylvania Sewage Facilities Act 537 as identified in 25 Pa. Code § 72.22 (e) and (f).
- I. The planning, design, siting, construction, maintenance, repair and replacement of any onlot sewage disposal system shall be conducted in accordance with the requirements found at 25 Pa. Code § 73 and as adopted by Resolution of the Solebury Township Board of Supervisors

Section V. Replacement Areas

- A. Replacement areas are necessary if the primary onlot sewage disposal area fails and presents a threat to human health. The requirement for, and protection of, replacement areas provide minimum standards for the prevention and suppression of disease and health risks associated with the use of onlot sewage disposal systems.
- B. A replacement area shall be defined for all new or proposed lots that will not be served by public sewer. The replacement area shall comply with all isolation distances required by DEP in accordance with 25 Pa. Code § 73 and with Solebury Township requirements.
- C. The proposed lot must have sufficient suitable area for the proposed primary onlot sewage disposal system as well as 100% reserve replacement area in the event of a failure of the primary onlot sewage disposal system. The proposed replacement area shall be protected and reserved for future use as an absorption area with similar design and configuration as the primary onlot sewage disposal system for potential repair or replacement of the primary onlot sewage disposal system. The replacement area shall meet DEP criteria and be tested and receive soil suitability approval by Bucks County Department of Health at the same time as the primary area.
- D. A holding tank shall not be designed as a replacement area.

- E. Areas reserved for primary and replacement onlot sewage disposal sites may not have driveways, parking areas or structures constructed over them. A Declaration of Restrictions shall be recorded at the sole expense of the property owner in the office of the Bucks County Recorder of Deeds stating that the replacement area shall not be graded or disturbed, that no permanent or temporary improvements of any character shall be constructed thereon, and that no plant material shall be established within the replacement area other than shallow-rooted plant material. A plan depicting the replacement area shall be recorded with the Declaration of Restrictions.
- F. Any person who desires to construct improvements within the replacement area shall demonstrate to the satisfaction of the Bucks County Department of Health and Solebury Township that an alternate replacement area location, which complies with DEP and Township requirements, exists upon the lot. If the substituted replacement area is acceptable, a Declaration of Restrictions shall be recorded at the sole expense of the property owner in the office of the Bucks County Recorder of Deeds designating the new replacement area location and vacating the original replacement area.

Section VI. Inspections

- A. Any onlot sewage disposal system may be inspected by the Township or its authorized agent at any reasonable time as of the effective date of this Ordinance.
- B. The Township or its authorized agent will provide advance notification to the resident/owner of the Township's intent to inspect an onlot sewage disposal system. The resident/owner may or may not be present during the inspection, at the resident's/owner's discretion.
- C. Such inspection may include a physical tour of the property, the taking of samples from surface water, wells, other groundwater sources, the sampling of the contents of the sewage disposal system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure. A copy of the inspection report shall be furnished to the property owner.
- D. An authorized agent shall have the right to enter upon land for the purposes of inspections described in this section. In the event that access to inspect the property is denied, 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. Such steps shall include, but not be limited to, the seeking of an administrative search warrant from the appropriate judicial official.

Section VII. Operation

- A. In accordance with the requirements of 25 Pa. Code § 73, only normal domestic wastewater including kitchen, bathroom, laundry and softener backwash wastewater shall be discharged into onlot sewage disposal systems. The following shall not be discharged into onlot sewage disposal systems:

1. Industrial waste.
 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 ground water, including water from roof or cellar drains, springs, basement sump pumps and French drains.
 5. Any nonbiodegradable materials.
 6. Backflow from the absorption area following or during pumping out of the onlot sewage disposal system.
 7. Surface discharges, ponding or other signs of malfunction in the vicinity of the absorption area.
- B. All new construction served by onlot sewage disposal systems shall be required to install water conservation devices and fixtures in compliance with the provisions of the Pennsylvania Uniform Construction Code and Resolution No. 88-2 Revision No. 2 of the Delaware River Basin Commission as it may be amended from time to time. Any existing malfunctioning onlot sewage disposal system may also be required to install water conservation devices and fixtures to improve the performance of such malfunctioning systems.
- C. The use of garbage disposals connected to onlot sewage disposal systems in Solebury Township is prohibited for new construction and is strongly discouraged for existing onlot sewage disposal systems, as garbage disposals may increase solids in the treatment tank which requires more frequent pumping or they may cause malfunctioning of the onlot sewage disposal system.

Section VIII. Maintenance

- A. All onlot sewage disposal systems shall be inspected and pumped out by a licensed pumper/hauler selected by the property owner at least once every three (3) years or whenever an inspection reveals that the treatment tanks are filled with solids or scum in excess of one-third of the liquid depth of the tank. The 3-year period begins for new onlot sewage disposal systems on the date when the onlot sewage disposal system is approved for use by the Bucks County Department of Health. Existing onlot sewage disposal systems shall begin their 3-year pumping schedule within 12 months of the date the notification letter from the Township is postmarked.
- B. The property owner of an onlot sewage disposal system is responsible for providing a copy of the pumper/hauler receipt to Solebury Township within thirty (30) days of the date of the pumping.
- C. Sand filters that are part of IRSIS, SFTF or other approved onlot sewage disposal systems shall be inspected and repaired, as necessary, at least once every year.

- D. Any non-routine maintenance or repairs performed on an onlot sewage disposal system must be reported to the Bucks County Department of Health and Solebury Township by the property owner for approval prior to initiating such maintenance or repairs.
- E. Surface contouring (grades) and other measures consistent with 25 Pa. Code §73 shall be maintained to divert stormwater away from treatment facilities and absorption areas and protect absorption areas from physical damage.
- F. Where applicable, pursuant to Section XI of this Ordinance, the onlot sewage disposal system shall be maintained in accordance with provisions of the Operation and Maintenance Agreement executed for the onlot sewage disposal system.
- G. Emergency repair or replacement of onlot sewage disposal system components without prior approval or permit from the Bucks County Department of Health shall be limited to pumping of a septic tank, tight tank or cesspool as frequently as necessary to prevent backup or breakout of the system.

Section IX. System Rehabilitation

- A. No person shall operate and maintain an onlot sewage disposal system in such a manner that it malfunctions, as determined by the Bucks County Department of Health. All liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to a treatment tank. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth unless a permit to discharge has been obtained from DEP.
- B. If the Bucks County Department of Health identifies a malfunction of an onlot sewage disposal system, the property owner shall make application to the Bucks County Department of Health for approval to repair, rehabilitate or replace the malfunctioning system. Such repairs, rehabilitation or replacement may include: cleaning, repair or replacement of components of existing onlot sewage disposal system; adding capacity or otherwise altering or replacing the onlot system's treatment tank; expanding or replacing the existing disposal area; replacing a gravity distribution system with a pressurized system; and such other alternatives as appropriate for the specific site.
- C. If a property with a malfunctioning onlot sewage disposal system abuts or fronts an existing municipal sewer system, the Bucks County Department of Health may require the property owner to connect to the municipal sewer system at the property owner's sole expense. In this case, the Bucks County Department of Health may not approve the repair of the malfunctioning onlot sewage disposal system.
- D. Solebury Township will notify the Bucks County Department of Health if Township staff observes any malfunction of an onlot sewage disposal system within the Township.
- E. The Bucks County Department of Health will provide copies of all approvals issued for the repair or replacement of malfunctioning onlot sewage disposal systems to Solebury Township.

Section X. On-Lot Sewage Disposal System Alternatives

- A. All proposed and existing lots in Solebury Township shall employ either individual or community sewage disposal. The highest priority sewage disposal alternative in accordance with paragraph X.B that can be administratively and technically implemented on the property shall be utilized. If sewage disposal cannot be provided by a higher rank alternative than proposed, the applicant shall submit a written explanation of the reasons why the lot is not suitable for a higher ranked disposal option, and include appropriate supporting data. A decrease in the number of dwelling units and/or business establishments that could be served by one of the sewage disposal alternatives on the subject property shall not constitute a valid reason why a higher ranked alternative is not utilized in favor of a lower priority alternative.
- B. Onlot Sewage Disposal Priority Alternatives ranked from High to Low are shown on Table 1.

1	Individual Onlot Subsurface Sewage Disposal
2	Individual Onlot Elevated or At-Grade Sand Mound Bed
3	Individual Onlot Residential Spray Irrigation System
4	Individual Onlot Alternate System
5	Community Onlot Subsurface Sewage Disposal
6	Community Onlot Elevated or At-Grade Sand Mound Bed
7	Community Onlot Spray Irrigation System
8	Experimental System or Other System Not Listed Above
9	Holding Tank per BCDH and DEP Requirements

Section XI. Liens

- A. Solebury Township, upon written notice from the Bucks County Department of Health that an imminent health hazard exists due to failure of a property owner to maintain, repair or replace an onlot sewage disposal system, shall have the authority to perform or contract to have performed, the work required by the Bucks County Department of Health. The property owner shall be charged for the work performed and, if necessary, a lien shall be recorded in accordance with law.

Section XII. Disposal of Septage

- A. All septage pumper/haulers operating within Solebury Township shall be licensed by the Bucks County Department of Health and/or DEP, as applicable.
- B. All septage originating within Solebury Township shall be disposed of at sites or facilities approved by DEP. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites and approved farm lands.

Section XIII. Operation and Maintenance Agreements

- A. All owners of property or persons proposing to utilize an individual residential spray irrigation system, small flow treatment facility, alternate or experimental sewage disposal facility, or onlot sewage disposal system on a site containing marginal site conditions, shall execute a sewage facilities Operation and Maintenance Agreement with Solebury Township. Such Agreement will contain system specific requirements for the proposed system type.
- B. The Operation and Maintenance Agreement shall provide for the deposit of a nonrefundable fee to Solebury 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 Pennsylvania Sewage Facilities Act, which may include, cash, Letter of Credit, or other Township-approved financial security. The amount of financial security shall be established by the Township and is subject to revision from time to time by adoption of a Resolution of the Board of Supervisors.
- C. Prior to adoption of an Operation and Maintenance Agreement by the Township, the property owner shall accomplish the following:
 - 1. Owner shall furnish verification in writing from the Bucks County Department of Health indicating that the site complies with design standards in accordance with 25 Pa. Code § 73 for installation of an onlot-sewage disposal system as proposed.
 - 2. Three (3) copies of the design and site plan for the proposed onlot sewage disposal system, including details associated with required maintenance of the system, shall be provided to the Township. Owner shall furnish permit information to the Township for a small flow treatment facility upon receipt from DEP.
 - 3. A fee and escrow, in an amount established by separate Resolution of the Board of Supervisors and as amended from time to time, shall be deposited with the Township for review of the submitted design and site plan and for preparation of the Operation and Maintenance Agreement.
 - 4. Financial security, as required by the Operation and Maintenance Agreement, will be held by the Township for so long as the system remains in use and until the property is connected to public sewers and used only in the event the Township is required to perform any services, or pay for any services, relative to administering the Operation and Maintenance Agreement. Such financial security shall be deposited by the owner in a form acceptable to the Township.
- D. If a property owner that has a sewage facilities Operation and Maintenance Agreement with Solebury Township proposes to sell the property containing such sewage facilities, the Owner shall provide the Buyer with a copy of the Township maintenance requirements and the maintenance and repair record for the sewage facilities. In addition, any Sale Agreement for the purchase of a property containing sewage facilities as defined under this Ordinance shall contain the Buyer's acknowledgement of receipt of

the Operation and Maintenance Agreement for said property.

Section XIV. Administration

- A. The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this Ordinance.
- B. The Township shall employ qualified individuals to carry out the provisions of this Ordinance. While the sewage enforcement officer represents the Bucks County Department of Health, the Township may employ a codes enforcement officer, secretary, administrator or other persons as required. The Township may also contract with private qualified persons or firms as necessary to carry out the provisions of this Ordinance.
- C. The Township shall establish all administrative procedures necessary to properly carry out the provisions of this Ordinance.
- D. The Township may establish fees, by Resolution of the Board of Supervisors, the purpose of which is to defray the costs of the onlot sewage management program as set forth in this Ordinance.

Section XV. Appeals

- A. Appeals from written decisions of the Township or its authorized agents under this Ordinance shall be made to the Township in writing within thirty (30) days from the date of the decision in question.
- B. The person appealing shall be entitled to a hearing before the Township Board of Supervisors within thirty (30) days of receipt of the appeal. The hearing shall be conducted in accordance with the provisions of the Pennsylvania Local Agency Act. The hearing may be postponed for a good cause shown by the appellant or the Township. Additional evidence may be introduced at the hearing provided that it is submitted with the written notice of appeal. The Township shall thereafter affirm, modify or reverse the aforesaid decision.
- C. A decision shall be rendered in writing by the Township within forty-five (45) days of the date of the hearing. If a decision is not rendered within forty-five (45) days, the relief sought by the appellant shall be deemed granted.
- D. Any person aggrieved by a decision of the Board of Supervisors under this Ordinance may file an appeal to the Court of Common Pleas of Bucks County within thirty (30) days after such written decision from the Board of Supervisors.

Section XVI. Penalties

- A. Any person failing to comply with any provisions of this Ordinance shall be given notice by the Township of the non-compliance. The person will be given sixty (60) days to comply with this Ordinance.

- B. After sixty (60) days, any person found guilty of violating any of the provisions of this Ordinance in a summary proceeding before a Magisterial District Judge shall be fined not more than One Thousand Dollars (\$1,000.00) plus costs for each and every offense or, upon default in payment of the fine and costs, by imprisonment in the Bucks County Prison for a period not to exceed ninety (90) days. Each day that such violation is continued after notice shall constitute a new and separate offense, punishable by like fine, penalty or imprisonment, and further notices to the offender shall not be required in order to constitute such continuances as an additional offense or offenses.
- C. All fines, penalties and costs collected for the violation of this Ordinance shall be paid over to the Township. Proceedings for the violation of this Ordinance and for the collection of fines and penalties imposed thereby may be commenced by warrant or by summons at the discretion of the District Magistrate before whom the proceedings is begun.
- D. 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 resorting to the courts of equity to seek compliance with the provisions of this Ordinance.

Section XVII. Repealer

All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section XVIII. Severability

- A. If any section or clause of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.
- B. 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.

Section XIX. Effective Date

This Ordinance shall become effective five (5) days after enactment.

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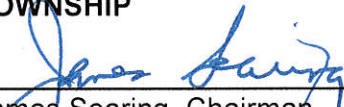
ENACTED and ORDAINED this 17th day of June, 2014.

ATTEST:



Gretchen Rice, Secretary

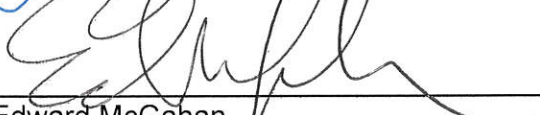
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TOWNSHIP**



James Searing, Chairman




Paul Cosdon, Vice-Chairman



Edward McGahan



Robert Heath, Jr.



Helen Tai