

ORDINANCE NO. 2014-008

**AN ORDINANCE GOVERNING MUNICIPAL MANAGEMENT OF
HOLDING TANKS IN SOLEBURY TOWNSHIP, BUCKS COUNTY,
PENNSYLVANIA**

BE IT ENACTED AND ORDAINED by the Board of Supervisors of
Solebury Township of 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 existing and new holding tanks designed to receive and retain sewage whether from residential, commercial, institutional, recreational or other uses. 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 inhabitants of this 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. "AUTHORIZED AGENT" shall mean a certified sewage enforcement officer, professional engineer or sanitarian, plumbing inspector, soils scientist or any other qualified or licensed person who is authorized by the Board of Supervisors of Solebury Township to carry out the provisions of this Ordinance.
- B. "IMPROVED PROPERTY" shall mean any property within Solebury Township upon which there is 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" shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in Solebury Township.
- D. "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.
- E. "HOLDING TANK" shall mean a watertight tank, whether permanent or temporary, which receives and retains sewage conveyed by a water carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.

- F. "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.
- G. "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.
- H. "TOWNSHIP" shall mean Solebury Township, Bucks County, Pennsylvania, its Board of Supervisors, their designated officials or authorized agent.

Section 3. Right and Privileges Granted

That Solebury Township is hereby authorized and empowered to undertake within the Township the control and methods of holding tank use, sewage disposal and sewage collection and transportation thereof, including the permitting of holding tanks.

Section 4. Rules and Regulations

That Solebury Township is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it 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 Solebury Township shall be in conformity with the provisions herein, all other ordinances of the Township, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

Section 6. Administrative Costs

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 by the holding tank property owner to cover Township administrative costs for enforcement of this Ordinance.

Section 7. Exclusiveness of Rights and Privileges

- A. Solebury Township will issue permits to owners of Improved Property utilizing a holding tank. Such permits must be obtained by owners within sixty (60) days of the effective date of this Ordinance.
- B. The collection and transportation of all sewage from any Improved Property utilizing a

holding tank shall be done solely by Pennsylvania Department of Environmental Protection licensed hauler, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.

- C. Solebury Township will receive, review and retain pumping receipts from permitted holding tanks.
- D. Solebury Township will receive and retain annual or other inspection reports for each permitted holding tank.

Section 8. Duties of Improved Property Owner

The owner of an improved property that utilizes a holding tank shall:

- A. Obtain a Holding Tank Permit from the Bucks County Department of Health and Solebury Township.
- B. Prior to installation of the holding tank, the owner shall provide Solebury Township with a copy of a fully executed Contract between the owner and a hauler approved by the Bucks County Department of Health and/or DEP, which provides for the pumping of the holding tank and disposal of the holding tank effluent to a DEP or Bucks County Department of Health approved site for a period of not less than one (1) year from the date of the Contract, and which Contract shall be renewed annually with proof of Contract provided to Solebury Township.
- C. Maintain the holding tank in conformance with this or any ordinance of Solebury Township, the provisions of any applicable law, and the rules and regulations of the Township and any administrative agency of the Commonwealth of Pennsylvania.
- D. Permit only Solebury Township, the Township authorized agent, the Bucks County Department of Health Sewage Enforcement Officer, or a pumper/hauler licensed by the Bucks County Department of Health and/or DEP, the right to enter the premises to inspect holding tanks as needed.
- E. Permit only a pumper/hauler licensed by the Bucks County Department of Health and/or DEP the right to collect, transport and dispose of the contents therein.
- F. Permit Solebury Township, the Township authorized agent or the Bucks County Department of Health Sewage Enforcement Officer the right to investigate malfunctions or public health hazards.
- G. Abate a malfunction or public health hazard through proper operation, maintenance, rehabilitation, replacement or other relief as directed by the Bucks County Department of Health.
- H. If a property with a malfunctioning holding tank 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 holding tank.

Section 9. Hold Harmless Agreement

- A. Owner of improved property which proposes to install a holding tank shall execute a Hold Harmless Agreement with Solebury Township.
- B. In such Agreement, Owner agrees to indemnify and save harmless the Township from and against all claims, damages, losses and expenses, including attorney's fees and other expenses, arising out of or resulting from the holding tank requirements of this Ordinance.

Section 10. 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 offence, 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 11. Abatement of Nuisances

In addition to any other remedies provided in this Ordinance, any violation of this Ordinance shall constitute a nuisance and shall be abated by Solebury Township by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

Section 12. Repeal

All ordinances or resolutions or parts of ordinances or resolutions, insofar as they are inconsistent herewith, or be the same, are hereby repealed.

Section 13. 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 Solebury Township Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

Section 14. Scope

This Ordinance is adopted in accordance with the duties imposed upon Solebury Township under the Clean Water Act and the Clean Streams Law and applies to the Township, the local agency and to persons using or planning holding tanks.

Section 15. Effective Date

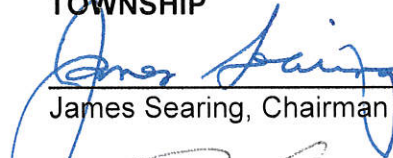
This ordinance shall become effective five (5) days after enactment.


ENACTED AND ORDAINED into an ordinance this 17th day of June A.D., 2014, by the Supervisors of Solebury Township, Bucks County.

ATTEST:


Gretchen Rice, Secretary

BOARD OF SUPERVISORS OF SOLEBURY TOWNSHIP


James Searing, Chairman


Paul Cosdon, Vice-Chairman


Edward McGahan


Robert Heath, Jr.


Helen Tai