

**TOWNSHIP OF SOLEBURY  
BUCKS COUNTY  
COMMONWEALTH OF PENNSYLVANIA  
ORDINANCE NO. 2014-009**

**AN ORDINANCE PROVIDING FOR THE PERMITTING OF ALL ONLOT  
SEWAGE DISPOSAL SYSTEMS PROPOSED TO BE INSTALLED ON  
ALL LOTS IN SOLEBURY TOWNSHIP, REGARDLESS OF LOT SIZE,  
AND PROVIDING PENALTIES AND ENFORCEMENT REMEDIES.**

**WHEREAS**, the General Assembly of the Commonwealth of Pennsylvania adopted, and the Governor of said Commonwealth approved, under the date of January 24, 1966, P.L. 1535, No. 537 (35 P.S. §§750.1—750.20), known as the Pennsylvania Sewage Facilities Act, which Act has been subsequently amended and is referred to hereinafter as the "Act";

**WHEREAS**, Section 4 of the Act of December 14, 1994 (P.L. 1250, No. 149) contains an amendment to Section 7(a) of the Act which provides that, except where a local agency or municipality requires a permit by ordinance, certain owners of lots 10 acres or larger are exempt from the requirements of the Act to obtain a permit for the installation of an onlot sewage disposal system on such person's lot:

**WHEREAS**, the Township of Solebury is a municipality as defined in Section 2 of the Act.

**WHEREAS**, Section 7(a) (1) of the Act, as amended by the Act of December 14, 1994, authorizes the Township to enact an ordinance requiring a permit for the installation of all onlot sewage disposal systems within the Township, including those proposed to be installed on lots 10 acres or larger, irrespective of whether any such lot 10 acres or larger otherwise qualifies for an exemption from the permitting requirements of the Act; and

**WHEREAS**, the Township of Solebury desires that permits be required for the installation of onlot sewage disposal systems on all lots 10 acres or larger which lots otherwise qualify for an exemption from the permitting requirements of the Act;

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

**Section I. Short Title, Statutory Basis, Purpose**

1. This ordinance shall be known as the "Solebury Township Onlot Sewage Disposal System Permit Ordinance."
2. This ordinance is adopted pursuant to Section 7(a) (1) of the Pennsylvania Sewage Facilities Act, as amended (35 P.S. §740.7(a) (1)).
3. The purpose of this Ordinance is to provide for the permitting of all onlot sewage disposal systems within the Township in accordance with the standards and regulations of 25 Pa. Code §§ 71.72 and 71.73, including those systems otherwise eligible for an exemption from the permitting requirements of the Act, as authorized by Section 7(a)(1) of the Act.

## **Section II. Terms and Definitions**

All terms or words defined in the Act that are used in this Ordinance have the same definition as in the Act.

## **Section III. Permit Requirements**

1. From and after the effective date of this ordinance, all persons proposing to install an onlot sewage disposal system on any lot within the Township, including those persons proposing to install such a system on a lot 10 acres or larger and who are otherwise qualified for a permit exemption in accordance with the provisions of Section 7(a) (1) of the Act, shall apply to the Bucks County Department of Health for a permit for the installation of such system.
2. No person shall install or commence construction of any onlot sewage disposal system for which a permit is required until such permit has been issued by a Sewage Enforcement Officer contracted to the Township.

## **Section IV. Enforcement**

1. Any person violating any of the provisions of this ordinance shall be subject to the civil and criminal penalties authorized pursuant to Sections 13 and 13.1 of the Act, as amended. Upon conviction thereof, such person shall be sentenced to pay a fine of not less than five hundred dollars (\$500), nor more than five thousand dollars (\$5,000), plus costs, or to imprisonment not to exceed ninety days, or both.
2. In addition to the penalties for non-compliance set forth in subsection 1 above, it is further provided that all of the civil and equitable remedies set forth in Sections 12, 14 and 15 of the Act (35 P.S. §§750.12, 750.14 and 750.15), as amended, shall be applicable to violations of this ordinance.
3. In addition to proceeding under any other remedy available at law or in equity for a violation of any provision of this act or any rule or regulation promulgated under this act or any order or permit issued by the department, municipality or local agency pursuant to this act, the Township, after notice and hearing, may assess a civil penalty against any person for that violation. In addition, the Township may assess the cost of damages caused by such violation and the cost of correcting such violation. Before assessing a civil penalty or such costs, the Township shall provide a violator with a notice of proposed assessment which cites the violation of the Act, regulation, permit or order issued thereunder and offer to conduct an assessment hearing to evaluate the violation and the amount of the penalty or cost. The notice of proposed assessment shall contain an explanation of the right to a hearing and appeal. An individual appointed by the Board of Supervisors shall be responsible to hold the assessment hearing. The assessment hearing shall not be governed by requirements for formal adjudicatory hearings and may be held at any time at the convenience of the parties. The civil penalty may be assessed whether or not the violation was willful. The civil penalty so assessed shall not be less than three hundred dollars (\$300) and not more than two thousand five hundred dollars (\$2,500) for each violation. In determining the amount of the penalty, the Township shall consider:

- (a) The willfulness of the violation;
  - (b) Damage to water, land or other natural resources or their uses, cost of restoration and abatement;
  - (c) Savings resulting to the person in consequence of the violation;
  - (d) Deterrence of future violation; and
  - (e) Other relevant factors.
4. If a person against whom costs or a civil penalty has been assessed after notice and hearing pursuant to paragraph 3 of this Section fails to pay the assessed costs or penalty in full or to perfect an appeal de novo under paragraph 5 of this Section within thirty (30) days following assessment of the civil penalty, such failure to pay or perfect an appeal shall constitute a separate violation for which an additional civil penalty may be assessed pursuant to paragraph 3 of this Section. Additional violations shall be deemed to occur and additional civil penalties may be assessed pursuant to paragraph 3 of this Section each time a person fails to pay or perfect an appeal under paragraph 5 of this Section.
5. When the department, municipality or local agency has assessed costs or a civil penalty pursuant to paragraphs 3 or 4 of this Section, the person assessed with the costs or civil penalty shall then have thirty (30) days to pay the costs or penalty in full. If the person wishes to contest the penalty or the fact of the violation, the person shall have a right to an appeal de novo pursuant to Section 16 of the Act. The person shall forward the amount of the civil penalty to the Township within the thirty-day period for placement in an escrow account with the Township Treasurer or any bank in this Commonwealth, post an irrevocable letter of credit issued by a Federal or Commonwealth-chartered lending institution or post an appeal bond to the agency or entity assessing the civil penalty within such thirty (30) days in the amount of the assessed civil penalty or other such amount as may be approved by a court of competent jurisdiction or the Environmental Hearing Board. The bond must be executed by a surety licensed to do business in this Commonwealth and in a form satisfactory to the agency or entity assessing the civil penalty. If through administrative or final judicial review of the proposed assessed penalty it is determined that no violation occurred or that the amount of the penalty is reduced, the agency or entity which assessed the civil penalty shall, within thirty (30) days, remit the appropriate amount to the person. Failure to make the required deposit in escrow or submit an irrevocable letter of credit or a surety bond as provided in this paragraph shall result in a waiver of all legal rights to appeal the violation or the amount of the penalty.
6. In any case where the Township determines that damage resulting from the violation is of a continuing nature, the Township may impose a weekly assessment of not more than two thousand five hundred dollars (\$2,500) per week for each week the violation continues unabated by the violator. The weekly assessment shall accrue indefinitely after the date of notice of the assessment to the violator.
7. Costs and civil penalties shall be payable to the Township and shall be collectable in any manner provided by law for the collection of municipal debts and shall constitute a municipal lien. If any person liable to pay these costs or penalty neglects or refuses to

pay the same after demand, the amount of the costs or civil penalty, together with interest and any costs that may accrue, shall constitute a judgment in favor of the Township upon the real property of the person from the date it has been entered and docketed on record by the Prothonotary of Bucks county. The Township may, at any time, transmit to the Bucks County Prothonotary certified copies of these judgments, and it shall be the duty of the Bucks County Prothonotary to enter and docket them and to index the same as judgments are indexed without requiring the payment of costs as a condition precedent to the entry thereof.

#### **Section V. Repealer**

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

#### **Section VI. Severability**

If any section or clause of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions of this Ordinance which shall be deemed severable therefrom. 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 VII. Effective Date**

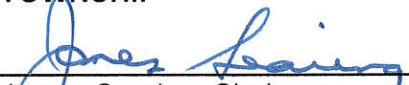
This ordinance shall be effective five (5) days after enactment.

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

**ATTEST:**

  
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Gretchen Rice, Secretary

#### **BOARD OF SUPERVISORS OF SOLEBURY TOWNSHIP**

  
\_\_\_\_\_  
James Searing, Chairman

  
\_\_\_\_\_  
Paul Cosdon, Vice-Chairman

  
\_\_\_\_\_  
Edward McGahan

  
\_\_\_\_\_  
Robert Heath, Jr.

  
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Helen Tai