

HAYCOCK TOWNSHIP

ORDINANCE NO. 113

AN ORDINANCE OF THE TOWNSHIP OF HAYCOCK, BUCKS COUNTY, PENNSYLVANIA, REGULATING THE MANAGEMENT AND MAINTENANCE OF INDIVIDUAL AND COMMUNITY SANITARY SEWAGE DISPOSAL FACILITIES WITHIN THE TOWNSHIP.

WHEREAS, the Board of Supervisors of Haycock Township has adopted an update of the Township Sewage Facilities Plan (Act 537), and,

WHEREAS, the Sewage Facilities Plan includes adoption of a sewage management program consistent with the requirements of PA Code, Title 25, Chapter 71.73 program for on-lot sewage disposal systems,

NOW, THEREFORE, be it ORDAINED and ENACTED by the Board of Supervisors of Haycock Township as follows:

SECTION 1. Short Title; Introduction; Purpose

- A. This Ordinance shall be known as the "Haycock Township Sewage Management Ordinance."
- B. This Ordinance is adopted pursuant to the authority set forth in the Second Class Township Code, the Pennsylvania Clean Streams Law (35 P.S. §§ 699.1 – 699.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966), P.L. 1535, as amended, 35 P.S. §750.1, et seq, also known as Act 537. This Ordinance is also adopted pursuant to the official Sewage Facilities Plan adopted for Haycock Township pursuant to Act 537.
- C. This Ordinance is intended to prevent and abate groundwater and surface water pollution and the hazards to public health caused by the improper treatment and disposal of sanitary sewage. This Ordinance is further intended to provide for the inventory and inspection of individual and community sanitary sewage disposal systems within the Township, which said inventory and inspections are designed to provide for the adequate maintenance, management, rehabilitation/repair/replacement and construction of sewage disposal systems; to permit the Township to intervene in events which are public nuisances or hazards to the public health; and, to establish penalties and appeal procedures necessary for the appropriate administration of the Haycock Township Sanitary Sewage Disposal System Program.
- D. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 2. Definitions.

- A. Act 537: The Act of January 4, 1966, P.L. 1535, as amended, 35 P.S. Section 750.1 et. seq. known as the Pennsylvania Sewage Facilities Act.

B. Evidence of Malfunction:

1. Wet, murky conditions (not resulting from surface water runoff or ponding) in areas designated as the absorption area of an on-lot sanitary sewage disposal system. These conditions are typically accompanied by high grass and/or increased growth in warm, dry months. In the winter, these areas generally do not freeze and the area is typically spongy and soft. Snow does not normally accumulate in these areas.
2. There is a discharge of effluent directly or indirectly to the surface of the ground through ponding, surface breakout or damp soils above the disposal area or to a surface water of the Commonwealth.
3. There is backup of sewage into the facility served by the system or any component of the system as a result of an overloaded and/or clogged soil absorption system or cesspool.
4. The static liquid level in the distribution box is above the level of the outlet invert.
5. The liquid depth in a cesspool is less than six (6) inches from the inlet pipe invert or the remaining available volume within a cesspool above the liquid depth is less than ½ of one day's design flow.
6. The septic tank or cesspool requires pumping more than four times a year.
7. Septic tank and/or the tight tank is cracked or is otherwise structurally unsound, indicating that substantial infiltration or exfiltration is occurring or is imminent.
8. Indications of previous repairs and/or extensions of the system not permitted by the Bucks County Health Department, and/or evidence of recently placed soil and/or dirt in the vicinity where the absorption area is located.

C. Alternate Sewage Disposal System: A method of demonstrated on-lot sewage treatment and disposal not described in Section 7 of the Pennsylvania Sewage Facilities Act, which may be permitted by the Pennsylvania Department of Environmental Protection pursuant to Chapter 73, Section 73.72 of the Sewage Facilities Act, as amended.

D. Authorized Agent: Any representative of the Township authorized by the Board of Supervisors to carry out the provisions of this Ordinance.

E. BCHD: Bucks County Health Department.

F. Board: The Board of Supervisors of Haycock Township.

G. Cesspool: A covered pit with open jointed lining which receives sanitary sewage or other organic wastes directly from a building drain or building sanitary sewer. It retains and allows liquid waste to pass through the bottom and sides. This is an

antiquated system which predates PADEP standards (Chapter 73, Title 25 PA Code).

- H. Code Enforcement Officer (CEO): An individual employed by the Township to administer and enforce Ordinances in the Township.
- I. Community On-lot Sewage System: A system of piping, tanks or other facilities serving two or more lots and collecting, treating, and disposing of sewage into a soil absorption area or retaining tank located on one or more of the lots or at another site.
- J. Community Sewage System: Any system, whether publicly or privately owned, for the collection of sanitary 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 lots or at any other site.
- K. Community Sewerage System: A publicly or privately-owned community sewage system which uses a method of sewage collection, conveyance, treatment, and disposal other than renovation in a soil absorption area, or retention in a retaining tank.
- L. Conventional Sewage System: A system employing the use of demonstrated on-lot sewage treatment and disposal technology in a manner specifically recognized by the regulations promulgated under Act 537. The term includes individual and community on-lot sewage systems, including sandmounds.
- M. Department: Department of Environmental Protection of the Commonwealth of Pennsylvania (PADEP).
- O. Equivalent Dwelling Unit (EDU): An amount of sewage equal to the amount usually and typically produced in a single family dwelling unit, in volume, strength, and character. For the purpose of determining the number of lots in a subdivision only as it relates to the determination of planning exemptions and fees for planning module reviews under this chapter, that part of a multiple family dwelling or commercial or industrial establishment with flows equal to 400 gpd. These flow figures are not intended to be used for the calculation of flows for the design of community sewage systems or for the allocation of flows related to community sewage systems. Community sewage system flows for design and permitting purposes shall be calculated using the procedures established in the Department's *Domestic Wastewater Facilities Manual* (DEP-1357).
- P. Experimental Sewage Disposal System: A method of on-lot sewage treatment and disposal not described in the Sewage Facilities Act, which is proposed for the purpose of testing and observation.
- Q. Experimental Onlot Wastewater Technology Verification Program – PADEP program to evaluate concepts or technologies new to Pennsylvania that are applicable to on-lot wastewater disposal, as outlined in PADEP document #331-2208-001.
- R. Gray Water: Domestically generated liquid wastes, including kitchen and laundry wastes that do not contain sewage.

- S. Health Department: Bucks County Health Department (BCHD).
- T. Individual On-lot Sewage System: An individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating, and disposing of sewage into a soil absorption area or spray field or by retention in a retaining tank.
- U. Holding Tank: A watertight receptacle that receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site.
- V. Individual Residential Spray Irrigation System (IRSIS): An individual sewage system permitted under Section 7 of the Sewage Facilities Act, which serves a single dwelling and which treats and disposes of sewage utilizing a system of piping, treatment tanks, and soil application through spray irrigation.
- W. Individual Sewage System: 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 this Commonwealth, or by means of conveyance to another site for disposal.
- X. Individual Sewerage System: An individual sewage system which uses a method of sewage collection, conveyance, treatment, and disposal other than renovation in a soil absorption area, or retention in a retaining tank.
- Y. Licensed Sewage Hauler: A sewage hauler licensed by the Bucks County Department of Health.
- Z. Lot: 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.
- AA. Maintenance: Those actions required to provide for the long term proper functioning of any sanitary sewage disposal system, including, but not limited to the pumping of septage from a septic tank, cesspool, or dry well and pump tank; cleaning, pumping and/or leveling of a distribution box; removal of trees or growth affecting the operation of an on-lot sanitary sewage disposal system; diversion of surface water away from an on-lot sanitary sewage disposal system; and, reduction of flow from the structure being served (e.g., installation of water conservation devices).
- BB. Malfunction: The condition which occurs when on on-lot sanitary sewage disposal system discharges untreated or inadequately treated sewage onto the surface of the ground, into groundwater, or into surface waters of the Commonwealth. Malfunction also occurs when sanitary sewage backs up into the building connected to the system, or otherwise causes a nuisance or hazard to the public health, pollution of the ground or surface water or contamination of any public and/or private drinking water wells.
- CC. Marginal conditions for Long term On-lot Sewage Disposal: Conditions of a site for use of on-lot sewage disposal facilities, as determined by the Pennsylvania Department of Environmental Protection and/or the Bucks County Department of Health, which may include soil profile examinations which document areas of suitable soil intermixed with areas of unsuitable soils; site evaluation which documents soils generally suitable for elevated sandmounds, with some potential

lots with slopes over 12%; site evaluation which documents soils generally suitable for inground systems, with some potential lots with slopes in excess of 20%; or lot density of more than one EDU/acre.

- DD. Municipal Sewage System: A sanitary sewer system and/or the treatment facility owned, operated, or maintained by a municipality or municipal authority approved by the Department under a permit issued to the Clean Streams Law, 35 P.S. 691.1, et seq., as hereafter amended, supplemented, modified, or reenacted by the General Assembly of Pennsylvania.
- EE. Municipality: Haycock Township, Bucks County, Pennsylvania.
- FF. New System: The installation of an on-lot sewage disposal system on a property where a system does not currently exist, or the installation of a larger on-lot sewage disposal system in conjunction with the expanded use of an existing structure after the effective date of this Ordinance. A new system does not include replacement systems installed on properties with existing on-lot sewage disposal systems where rehabilitation/repair efforts are required to correct an existing malfunction.
- GG. Official Sewage Facilities Act 537 Plan: The plan adopted by the Township and approved by the Pennsylvania Department of Environmental Protection in furtherance of the requirements as set forth in the Pennsylvania Sewage Facilities Act.
- HH. On-Lot Sanitary Sewage Disposal System (OLDS): Individual on-lot sewage systems and community on-lot sewage systems.
- II. PADEP: Department of Environmental Protection of the Commonwealth of Pennsylvania.
- JJ. Person: Any individual, company, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as having rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine, 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.
- KK. Pumper/Hauler: Any person, as that term is defined in this Ordinance, who engages in cleaning community or individual sanitary sewage systems and transports the septage removed from these systems for disposal, and, is licensed by the Bucks County Health Department.
- LL. Pumper's Report: Form used by licensed pumper/haulers to report pumping of an on-lot sanitary sewage disposal system.
- MM. Registration Form: Form which shall be made available by the Township for property owners to register their on-lot sanitary sewage disposal system with the Township.

- NN. Rehabilitation or Repair. Work completed pursuant to a permit issued by BCHD to modify, alter, or repair an existing on-lot sanitary sewage disposal system or individual components thereof, including the enlargement of the total absorption area, provided the flows from the structure being served are unchanged or reduced.
- OO. Replacement Area: An area of a lot or property reserved for the installation of a replacement sanitary sewage system in the event of the malfunction of the originally installed on-lot sewage disposal system.
- PP. Replacement System: An on-lot sanitary sewage disposal system which replaces a previously installed on-lot sanitary sewage disposal system which cannot be repaired or rehabilitated to a condition acceptable to the Bucks County Health Department.
- QQ. Septage: The residual scum and sludge pumped from septic systems.
- RR. Sewage: 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, or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No. 394), known as "The Clean Streams Law", as amended.
- SS. Sewage Enforcement Officer (SEO): A person certified by the Pennsylvania Department of Environmental Protection who issues and reviews permit applications and/or conducts such investigations and inspections as are necessary to implement the Sewage Facilities Act (Act 537) and the rules and regulations promulgated thereunder.
- TT. Sewage Facilities: A system of sewage collection, conveyance, treatment, and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into Waters of the Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste.
- UU. Sewage Management Program: A comprehensive set of legal and administrative requirements encompassing the requirements of this Ordinance and other administrative requirements adopted by the Township to effectively enforce and administer the Ordinance, and to implement the Sewage Facilities Plan.
- VV. Small Flow Treatment Facility: An individual or community sewage system design to adequately treat sewage flows not greater than two thousand (2,000) gallons per day for final disposal using a stream discharge or discharge to the surface of the ground.
- WW. Subdivision: As defined in the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended.
- XX. Subdivision, Lot Line Adjustment: A lot line adjustment subdivision involves relocation of one or more existing boundary line(s) between two adjacent lots, or the shifting of boundary lines to increase the area of an existing lot; provided; however, that the lot line adjustment subdivision results in the same or fewer number of lots than existed prior to the lot line adjustment subdivisions.

- YY. Subdivision, Major: Any subdivision not classified as a minor subdivision.
- ZZ. Subdivision, Minor: The division or redivision of a lot, tract, or parcel of land by any means into not more than two (2) lots; or a lot line subdivision.
- AAA. Township: Haycock Township, Bucks County, Pennsylvania.
- BBB. Waters of the Commonwealth: Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.
- CCC. Zoning Officer: An individual employed by the Township to administer and enforce the Township Zoning Ordinance.

All definitions included in Act 537 and the Clean Streams Act, as amended, are hereby incorporated by reference into this Ordinance.

SECTION 3. Applicability.

- A. The provisions of this Ordinance shall apply to all existing and proposed individual and community sewage disposal systems within the Township after the effective date of this Ordinance.
- B. All new individual and community sewage systems shall be required to file a Registration Form with the Township prior to the issuance of a Building Permit for the use of the structure being served by the on-lot sanitary sewage disposal system.

SECTION 4. Permit Requirements.

- A. No person shall install, award a contract for construction or construct an individual or community on-lot sewage system, or install, construct, occupy, or use a building or structure to be served by that system without first obtaining a permit from Bucks County Health Department (BCHD) confirming that the system complies with the provisions of the Pennsylvania Sewage Facilities Act, and any and all regulations adopted pursuant to said Act.
- B. A permit must be obtained from the Bucks County Department of Health for alterations or connections to an existing individual or community on-lot sewage disposal system when the alteration or connection requires the repair, replacement or enlargement of a treatment tank or retention tank, or the repair, replacement, disturbance, modification or enlargement of a soil absorption area or spray field, or the soil within or under the soil absorption area or spray field.
- C. No system or structure designed for individual or community sanitary sewage disposal or for rehabilitation, repair and/or replacement to or of an existing sewage disposal system shall be covered from view until final inspection and approval by BCHD.

- D. Applicants for individual or community sanitary sewage disposal system permits shall notify BCHD of the schedule for construction or rehabilitation, repair and/or replacement of the permitted sewage disposal system so the appropriate inspection(s) may be scheduled and performed by the BCHD.
- E. No building permit shall be issued by the Township for a new building which will utilize individual or community sanitary sewage disposal system, until a valid sanitary sewer permit has been obtained from BCHD, and a Registration Form is filed with the Township.
- F. No building permit shall be issued by the Township for any building addition, alteration, or change in use which may result in increased sewage flows until approval of use of the existing sewage system has been received from BCHD. The Township must receive notification by BCHD of all permits issued and final inspections performed in Haycock Township.
- G. No occupancy permit shall be issued by the Township for any new building until BCHD has informed the Township that the newly constructed sanitary sewage system has been completed, and has had a final inspection.
- H. Individual or Community Sewage Disposal System permits may only be issued by BCHD or PADEP as applicable.
- I. All new structures served by individual or community sewage systems shall install water conservation devices and fixtures, in compliance with the provisions of the Unified Construction Code.

SECTION 5. Right of Entry.

- A. Authorized persons acting on behalf of the Township shall, upon presentation of proper credentials and identification, be permitted to enter upon the outside of the property that contains an individual or community sanitary sewage disposal system for the purpose of inspecting, observing, photographing, and sampling the sewage disposal system, in accordance with the provisions of this Ordinance.
- B. The Township shall provide advance notice to the property owner of the individual or community sewage disposal system prior to inspection.

SECTION 6. Sewage System Maintenance.

- A. All Sewage Systems shall be pumped out by a licensed sewage hauler selected by the property owner, at least once every three (3) years or whenever inspection reveals that the treatment tanks are filled with solids in excess of 1/3 of the liquid depth of the tank or with scum in excess of 1/3 of the liquid depth of the tank. The three (3) year time period shall begin when the system is approved as complete by BCHD. For systems existing on the effective date of this Ordinance, the three (3) year time period shall begin on the effective date of this Ordinance. Property owner shall provide the Township with a receipt documenting the date on which the septic tank was cleaned within thirty (30) days of the occurrence.

- B. Surface contouring (grades) and other measures consistent with PA Code Title 25, Chapter 73, shall be maintained to divert stormwater away from treatment facilities and absorption areas and protect absorption areas from physical damage.
- C. Sand filters included within IRSIS, SFTF, or other approved sewage system shall also be inspected by the property owner and repaired if necessary at least once every year.
- D. Where applicable pursuant to Section 19.A of this Ordinance, the sewage system shall be maintained in accordance with provisions of the Operation and Maintenance Agreement executed for the system.
- E. Emergency repair or replacement of system components without prior approval/permit from BCHD shall be limited to pumping of a septic tank, tight tank or cesspool as frequently as necessary to prevent backup or breakout.
- F. All emergency repairs other than pumping shall be in accordance with requirements, and where applicable permit approval, from BCHD.
- G. Any non-routine maintenance or repairs required to the system must be reported to the Bucks County Department of Health and Township by the property owner for approval/permit.

SECTION 7. Inspections.

- A. All individual and community sanitary sewage disposal systems regulated by this Ordinance shall be inspected by an authorized agent of the Township as established by separate Resolution of the Board of Supervisors. The inspection may include the taking of samples from surface water, wells, or other groundwater sources, and/or the sampling of the contents of the sanitary sewage disposal system. A copy of the report of the inspection shall be furnished to the property owner.
- B. In the event inspection is denied by the property owner, 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. Steps shall include, but not be limited to, the seeking of an administrative search warrant from the appropriate judicial official.

SECTION 8. Operation.

- A. No property owner shall operate and maintain an individual or community sanitary sewage disposal system in such a manner that it malfunctions. No system shall discharge untreated or partially treated sanitary sewage to the surface of the ground or into the Waters of the Commonwealth, as defined herein.
- B. All property owners with gray water discharges to the ground surface shall correct such discharges and route the gray water to the sanitary sewer disposal system. All rerouting and connections of gray water discharge to the sanitary sewage disposal system shall be in accordance with requirements of BCHD. Gray water discharges are a violation of Section 73.11 of the Pennsylvania Code, Title 25, Environmental Protection, and may also be a violation of Sections 202 and 207 of the Pennsylvania

Clean Streams Law, if the discharge is to any Waters of the Commonwealth (as defined herein). All violations shall be referred to BCHD.

SECTION 9. Sewage Management Priority.

- A. All lots, existing or proposed, on which sewage is generated must employ individual or community sewage disposal. The highest priority method of sewage disposal set forth in the following table that can be technically and administratively implemented on the subject property must be utilized for new systems and repair situations. If disposal cannot be provided by higher-ranked method than proposed, the applicant must submit a written explanation of the reasons why the given lot is not suitable for these higher-ranked methods, along with the appropriate supporting data. A decrease in the number of dwelling units, businesses, and/or establishments that could be served by a certain method of sewage disposal upon the subject property shall not constitute a valid reason why a higher ranked method is not utilized in favor of a lower priority method. An applicant must show that the higher rank methods of sewage disposal will not function upon the subject property; and must demonstrate that the proposed system will not degrade surface or groundwater for its intended use for drinking water or wildlife habitat before proposing to employ a lower-ranked method.
- B. Sewage Management Priority Table
 - 1. Individual on-lot sub-surface sewage disposal.
 - 2. Individual on-lot elevated or at grade sandmound.
 - 3. Individual on-lot residential spray (IRSIS)/drip irrigation system.
 - 4. Individual on-lot alternate system.
 - 5. Community on-lot subsurface sewage disposal.
 - 6. Community on-lot elevated sandmound.
 - 7. Community on-lot spray/drip irrigation system.
 - 8. Small flow treatment facility with stream discharge.
 - 9. Experimental system or other system not listed above, as approved through the Technology Verification Program.
 - 10. Holding tank (residential repair, commercial, institutional, or industrial).

SECTION 10. System Rehabilitation/Repair/Replacement.

- A. If BCHD determines that any individual or community sewage disposal system is malfunctioning and, further, if the property abuts or fronts an existing municipal sewer, then BCHD shall require that property be connected to the municipal sewer, at the property owner's sole cost and expense. Under those circumstances, BCHD will not issue a permit for the repair of a malfunctioning on-lot sewage disposal system.
- B. If any individual or community sewage disposal system is observed to be malfunctioning, the Township will notify BCHD. The Township must be notified by BCHD of all permits issued for repair of the system, and final inspections performed.

- C. Should BCHD indicate that it is not possible to repair or modify the system to comply with PADEP's standards for sewage disposal systems, then the property owner shall be required to have a replacement individual or community sewage disposal system designed for the property. The highest priority method of sewage disposal as listed above shall be utilized for the replacement system. Design shall conform to current regulations as promulgated by the PADEP and these regulations.
- D. BCHD may require the repair/rehabilitation/replacement of any malfunction by the following methods; cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal area, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, and such other alternatives as appropriate for the specific site, including use of reservation areas.

SECTION 11. Disposal of Septage.

- A. All septage pumper/haulers operating within the Township shall be licensed by BCHD/PADEP, as applicable.
- B. All septage originating within the Township shall be disposed of at sites or facilities approved by PADEP.
- C. Septage shall be handled consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S., Sections 6018.101-6018.1003), and Regulations adopted pursuant to such ACT.

SECTION 12. In Ground, Drip Irrigation, and Sand Mound Sewage Systems.

- A. The owner of a property that utilizes a drip irrigation or sandmound systems shall comply with the following:
 - 1. Construct and maintain the system in conformance with this Ordinance and any other Ordinance of the Township, the Sewage Facilities Act, the rules and regulations of the BCDH and PADEP, and all applicable regulations and statutes of the Commonwealth of Pennsylvania.
 - 2. For drip irrigation systems, and other systems on lots deemed marginal for long term on-lot disposal as defined by PADEP, execute an agreement with the Township to hold the Township harmless in the event of a claim against the Township arising from the operation and maintenance of the system, and furthermore, pay a nonrefundable fee to the Township for Township costs of administration, compliance monitoring, and enforcement of this Ordinance.
- B. No portion of the sewage system property line or easement horizontal isolation distance, required pursuant to PA Code Title 25 Chapter 73 (Standards for Sewage Disposal facilities), may be located on any lot or property other than the parcel containing that system.
- C. No livestock or any type or equipment heavier than a common riding mower/garden tractor shall be allowed upon the absorption area of any sewage system.

SECTION 13. Individual Residential Spray Irrigation Systems (IRSIS).

- A. The owner of a property utilizing an Individual Spray Irrigation System (IRSIS) shall:
1. Construct and maintain the system in conformance with this and any other, applicable ordinance of the Township, the act and rules and regulations of the Bucks County Department of Health and Pennsylvania Department of Environmental Protection, and all applicable statutes of the Commonwealth of Pennsylvania.
 2. Execute an agreement with the Township to hold the Township harmless in the event of a claim against the Township arising from the operation and maintenance of the system, and furthermore, pay a nonrefundable fee to the Township for Township costs of administration, compliance monitoring, and enforcement of this Ordinance.
- B. Design requirements:
1. The wetted perimeter of the primary spray field shall not encroach within the required minimum front, side, or rear yard setback designated by the Township Zoning Ordinance, except in the case of a repair of an existing system.
 2. No portion of the sewage system property line or easement horizontal isolation distance, required pursuant to PA Code Title 25 Chapter 73 (Standards for Sewage Disposal facilities), may be located on any lot or property other than the parcel containing the IRSIS.
 3. No portion of the sewage system may encroach within a floodplain, riparian buffer, or wetland.
 4. Buffering:
 - a. Whenever the wetted perimeter of the spray irrigation field is located within 50 feet of the property boundary, buffer plantings, including a minimum of one (1) evergreen tree per twenty (20) feet arranged along and within twenty five (25) feet of the property boundary, are required.
 - b. Buffer plant material shall conform to requirements of Section 515 of the Subdivision and Land Development Ordinance, as amended.
 - c. Where natural features/vegetation exist on the site, which duplicate, or essentially duplicate, requirements for buffering, buffer requirements may be waived or reduced by the Board of Supervisors.
 5. Spray irrigation of the treated effluent shall be permitted only between the hours of 11:00 PM to 5:00 AM.

SECTION 14. Small Flow Treatment Facilities (SFTF).

- A. The owner of a property that utilizes a small flow treatment facility shall:
1. Construct and maintain the system in conformance with this and any other, applicable ordinance of the Township, the Act, and the rules and regulations of the Bucks County Department of Health, and the Pennsylvania Department of Environmental Protection, and all applicable statutes of the Commonwealth of Pennsylvania.

2. Execute an agreement with the Township to hold the Township harmless in the event of a claim against the Township arising from the operation and maintenance of the system, and furthermore, pay a nonrefundable fee to the Township for Township cost of administration, compliance monitoring, and enforcement of this Ordinance.
- B. No component of a SFTF, including discharge line, may be located on any lot or property other than the parcel containing the facility unless authorized by the Board of Supervisors.
- C. If municipal sewer service becomes available for a property utilizing a small flow treatment facility, each and every owner of such property shall be required to make the necessary connection to the abutting or adjoining sewer lines. Small flow treatment facility must be disconnected and disposed of in accordance with applicable Pennsylvania Department of Environmental Protection and the Bucks County Department of Health rules and regulations.

SECTION 15. Holding Tanks.

- A. Every person who owns a property within the Township on which a holding tank is located and every person who applies for a building permit to construct a new residence or other building which is to be serviced by a holding tank for which a Bucks County Department of Health permit is issued after the effective date of this Ordinance, shall comply with the provisions of this Section 15 as hereafter set forth.
- B. Every person who owns a property within the Township on which a holding tank is located shall:
 1. Have the holding tank of the property pumped prior to or when the holding tank has reached 75% of designed capacity.
 2. Annually provide the Township with proof of a pumping and/or hauling contract with a DEP certified hauler licensed by the Bucks County Health Department.
- C. Procedure for Obtaining a Holding Tank Permit; Rehabilitation of a Holding Tank or Change in Ownership of a Holding Tank:
 1. Prior to the issuance of a Use and Occupancy Permit involving new construction, and in the case where no prior security has been posted to secure the costs of future operation and maintenance of a holding tank, then also involving rehabilitation of a holding tank, resale of the property, or change of tenants in a dwelling using a holding tank, the owner shall:
 - a. Obtain verification from the Bucks County Development of Health indicating that the site is generally suitable for installation of a holding tank.
 - b. File copy of the site plan and design of the proposed holding tank 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 holding tank 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 holding tank. (Refer Section 15.D of this Ordinance)
 - f. Deposit and/or post permanent escrow funds in the form and/or amount as provided by the holding tank 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 holding tank. Board of Supervisors shall have the right to claim the entire escrow deposit as reimbursement for Township expenses.
2. Permit issued under the terms of this agreement shall become null and void if the holding tank installation has not been completed to the satisfaction of the Township within two (2) years of the date of issuance.
- D. Holding Tank Maintenance Agreement: The owner of a property that utilizes a holding tank shall execute a maintenance agreement approved by the Township to ensure compliance with the regulations and standards of operation and maintenance of the system. The escrow or other security shall be sufficient to cover the cost of the 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 16. Alternate and Experimental Systems.

The owner of a property that utilizes an alternate system shall comply with the following:

- A. Construct and maintain the system in conformance with this Ordinance and any other Ordinance of the Township, the Sewage Facilities Act, the rules and regulations of the BCDH and PADEP, and all applicable regulations and statutes of the Commonwealth of Pennsylvania.
- B. Execute an agreement with the Township to hold the Township harmless in the event of a claim against the Township arising from the operation and maintenance of the system, and furthermore, pay a nonrefundable fee to the Township for Township cost of administration, compliance monitoring, and enforcement of this Ordinance.

SECTION 17. Community Sewage Systems.

All community sewage systems shall comply with the following, along with any specific requirements of the sewage system type listed in the above sections:

- A. Construct and maintain the system in conformance with this Ordinance and any other Ordinance of the Township, the Sewage Facilities Act, the rules and

regulations of the BCDH and PADEP, and all applicable regulations and statutes of the Commonwealth of Pennsylvania.

- B. Execute an agreement with the Township to hold the Township harmless in the event of a claim against the Township arising from the operation and maintenance of the system, and furthermore, pay a nonrefundable fee to the Township for Township cost of administration, compliance monitoring, and enforcement of this Ordinance.
- C. Seepage bed(s) (including toe of sandmound slope) or the wetted perimeter of a spray field shall not encroach within the required minimum front, side, or rear yard setback designated by the Township Zoning Ordinance or within one hundred (100) feet of a property boundary, whichever setback distance is greater.
- D. No portion of the sewage system property line or easement horizontal isolation distance required pursuant to PA Code Title 25 Chapter 73 (Standards for Sewage Disposal facilities), may be located on any lot or property other than the lot containing the system.
- E. Buffering. All community sewage systems shall be buffered as follows:
 - 1. Buffer plantings, including a minimum of one (1) evergreen tree per twenty (20) feet and one (1) canopy tree per twenty (20) feet arranged along and within twenty five (25) feet of the perimeter of the system, are required around the perimeter of the Community Sewage System including the disposal area.
 - 2. A fence at least four (4) feet in height of material approved by the Township installed along the entire length of the property line.
 - 3. Buffer plant materials shall conform to requirements of Section 515 of the Subdivision and Land Development Ordinance, as amended.
 - 4. Where full grown trees exist on the site which duplicates the requirements for buffering, the buffering requirements of this Ordinance may be waived or reduced by the Board of Supervisors.
- F. No livestock of any type or equipment heavier than a common riding mower/garden tractor shall be allowed upon the absorption area of any community sewage system.
- G. Replacement sewage disposal area is required and shall be in accordance with Section 18 of this Ordinance.

SECTION 18. Replacement Areas.

- A. Where replacement sewage disposal areas are required by the Subdivision and Land Development Ordinance or this Ordinance, the following requirements shall be met:
 - 1. Any proposed replacement area shall comply with this Ordinance, any other Township Ordinance, the Sewage Facilities Act, the rules and regulations of the BCDH and PADEP, and all applicable regulations and statutes of the Commonwealth of Pennsylvania, including, but not limited to, isolation distances.

2. Allowance of open land for the replacement area, without the performance of appropriate soil testing to verify suitability of the land for a replacement area, shall not constitute compliance with the requirements of this section.
3. Every replacement area shall be protected by a deed restriction or recorded easement that contains the following restrictions:
 - a. No grading or other improvements, whether permanent or temporary, shall be permitted upon or within the replacement area.
 - b. No permanent or temporary alterations, grading, excavation, stockpiling of any soil or any other material shall take place on or in the replacement area.
 - c. During any construction or other activities, the replacement area shall be marked and blocked off by construction fencing to prevent equipment with greater wheel loadings than a common riding mower/garden tractor from traveling over or operating upon the surface of the replacement area.
 - d. The final cover or improvement to every replacement area shall be limited to shallow rooted plant material.
 - e. Replacement area shall be protected from livestock pasture/grazing.

B. Identification of replacement area.

1. Any applicant who proposes to install an individual or community sewage system shall demonstrate to the satisfaction of the Township that a suitable replacement area exists on the same lot as the proposed sewage system. The Township or BCDH shall observe all tests required to identify the proper location for the replacement area.
2. The location of the replacement area, as confirmed by the Township, shall be identified on the plot plans and diagrams submitted as part of any permit, subdivision, land development, or planning module application.
3. Replacement areas for individual sewage systems may encroach with front, side, and rear yard setbacks as established by the Zoning Ordinance; however, must be consistent with environmental protection standards of the Zoning Ordinance.
4. Replacement areas for community sewage systems shall not encroach within the required minimum front, side, or rear yard setbacks designated by the Township Zoning Ordinance or within fifty (50) feet of a property boundary, whichever setback is greater.
5. Any revisions to a permit or plan affecting a previously approved replacement area shall be reviewed for approval by the Board of Supervisors or its authorized representative.
6. If a replacement area has been already identified upon a lot or parcel, an applicant may attempt to identify, to the Township's satisfaction, an alternate replacement area upon the lot or parcel. The alternate replacement area shall comply with this Ordinance. When an alternate replacement area is identified, the alternate replacement area may be considered as such for the purposes of this Ordinance, as long as it meets all the requirements and protections of this Ordinance.

C. Subdivision/Land Development Restrictions.

1. All applications for subdivision or land development shall provide for a replacement area(s) upon its plan(s) and shall place a note upon the approved record plans stating that no improvements shall be constructed upon and no alterations shall be made to any replacement area. The applicant shall also execute and record new or corrected deeds for each lot created by or a part of the subdivision or land development that contain language protecting the replacement area within the lots boundaries.
2. The subdivision/land development plan shall also note and specifically require the replacement area be marked and physically blocked off to prevent equipment with greater wheel loadings than a common riding mower/garden tractor from traveling over or operating upon the surface of the replacement area. The plan shall require the final cover or improvement to every replacement area to be limited to shallow rooted plant matter.

SECTION 19. Sewage Maintenance Agreements; Fees.

- A. All owners of property or persons who propose utilizing an individual spray irrigation system, small flow treatment facility, community on-lot sewage disposal facility, alternate or experimental sewage disposal facility, or sewage disposal facility on sites containing marginal conditions for on-lot sewage disposal, shall execute a sewage facilities Operation and Maintenance Agreement with the Township. The agreement shall provide for deposit of a nonrefundable fee to the 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 Act, which may include cash, Letter of Credit, or other Township approved financial security. The amount of financial security to guarantee the proper operation and maintenance of the proposed facility shall be established by separate resolution of the Board of Supervisors, as amended from time to time.
- B. Prior to execution of an Operation and Maintenance Agreement by the Township, the property owner shall accomplish the following items:
 1. Applicant shall obtain verification from the Bucks County Department of Health indicating that the site is generally suitable for installation of an on-lot sewage disposal facility as proposed.
 2. Three copies of the site plan and design of the proposed sewage disposal system shall be filed with the Township, unless the property is subject of a subdivision or land development plan currently being processed by the Township.
 3. Any additional information, such as information on size, location, or as otherwise required by the Township, shall be submitted to the Township for review.
 4. A fee in an amount established by separate resolution of the Board of Supervisors, as amended from time to time, shall be paid to the Township for review of submitted documentation, and preparation of the Operation and Maintenance Agreement.

5. Applicant shall deposit financial security as required by the Operation and Maintenance Agreement, to be held by the Township and used only in the event that the Township is required to perform any services, or pay for any services, relative to administering terms of the Operation and Maintenance Agreement. Financial security amount for community sewage systems shall be established by the Township based on the size of the system and an estimate of annual operation and maintenance costs submitted by the design engineer and approved by the Township.

SECTION 20. Administration.

- A. The Township shall be authorized to exercise the powers conferred upon it pursuant to the terms and conditions of this Ordinance or any other applicable laws of the County, State and Federal government.
- B. The Board of Supervisors may establish a fee, by resolution, the purpose of which is to defray the cost of inspections and other aspects of the sewage management program as set forth in this Ordinance.

SECTION 21. Appeals.

- A. Any property owner aggrieved by the written decision of a Township employee or other authorized agent of the Township pursuant to this Ordinance may appeal the decision by written notification to the Board of Supervisors, provided that the Appeal notification shall be filed within thirty (30) days from the date of the decision at issue.
- B. The property owner and/or person filing an Appeal shall be entitled to a hearing before the Board of Supervisors, or its designee, within thirty (30) days of receipt of the Appeal. Either party, by good cause shown, may extend the time for a hearing but a decision shall be left to the discretion of the Board of Supervisors, or its designee. A hearing shall be conducted in accordance with the provisions of the Pennsylvania Local Agency Act and a decision shall be rendered, in writing, within forty five (45) days of the conclusion of the hearing and all proceedings related thereto. If the Board of Supervisors or its designee shall fail to render a decision within forty five (45) days following the conclusion of all proceedings related to the hearing, then the relief sought by the property owner and/or person filing the appeal shall be deemed granted. Any property owner and/or person aggrieved by a decision of the Board of Supervisors or its designee may, within thirty (30) days after such decision of the Board, file an appeal to the Court of Common Pleas of Bucks County.

SECTION 22. Penalties.

- A. Any property owner and/or person who has violated or permitted the violation of the provisions of this Ordinance, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, shall pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney's fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of the violation by the District Justice. If the responsible party neither pays judgment nor files a timely appeal, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation. All judgments,

costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid over to the Township.

- B. 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 resort to the courts of equity to seek compliance with the provisions of this Ordinance.

SECTION 23. Severability.

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.

This Ordinance was duly ORDAINED and ENACTED this 5th day of December
~~2011~~ This Ordinance shall take effect in five (5) days.

HAYCOCK TOWNSHIP
BOARD OF SUPERVISORS

Nancy M. Godis
Secretary
12-5-11

Kathleen M. Babb, Chairwoman

Michael Lennard

Michael Lennard, Vice Chairman

Henry DePue

Henry DePue, Member