
EXHIBIT H

LOWER MAKEFIELD TOWNSHIP
CURRENTLY EFFECTIVE RATES AND RULES

RESOLUTION NO. 2403

**RESOLUTION OF THE TOWNSHIP OF LOWER MAKEFIELD
BUCKS COUNTY, PENNSYLVANIA,
AMENDING THE SEWER RENTAL FEE SCHEDULE**

The Board of Supervisors of the Township of Lower Makefield, Bucks County, Pennsylvania, hereby resolves that the sewer rental fee schedule for the Township provided for by Article III Section 166-17 "Sewer Rentals" of the Township Code is hereby amended to read as follows:

1. Residential Establishments

- a. Each dwelling unit (private dwelling) shall pay a minimum charge of One Hundred Sixty Dollars and forty-eight cents (\$160.48) per quarter, and in addition thereto, pay for each one thousand (1,000) gallons consumed during each quarter year, consumption shall be determined by water meter readings, the following amounts:

<u>Water Consumed Per Quarter</u>	<u>Cents Per Thousand Gallons</u>
first 10,000 gallons	\$4.37
second 10,000 gallons	\$4.60
third 10,000 gallons	\$4.81
fourth 10,000 gallons	\$5.29
fifth 10,000 gallons	\$5.90
excess over 50,000 gallons	\$6.77

- b. Each dwelling unit in a twin-home, apartment, townhouse, duplex, condominium, or any other residential living arrangement shall be classified and billed as a separate dwelling unit except if the building shall have one (1) meter and no more than two (2) dwelling units. If the building has one (1) meter and no more than two (2) dwelling units, then the charge for that building shall be Two Hundred Sixty-Nine Dollars and twenty-two cents (\$269.22) per quarter, plus consumption for the entire building, which is occupied by no more than two (2) dwelling units. Any room, group of rooms, house trailers, enclosures occupied or intended for occupancy as separate living quarters by a family or other group of persons living together, or by a person living alone, shall be classified and billed as a separate dwelling unit.
- c. The foregoing rate shall be determined by the water consumption as indicted on the water meter of each dwelling unit. In the event that a dwelling unit has no water meter, the occupants shall be charged at the rate of Two Hundred Sixty Nine Dollars and twenty-two cents (\$269.22) per quarter, except for apartment complexes, which shall be charged in a different fashion. For apartment complexes, the rate shall be determined by assessing each dwelling unit the

minimum charge of One Hundred Sixty Dollars and forty-eight cents (\$160.48) per quarter, and then measuring the total water consumption for the entire apartment building and dividing that consumption by the number of dwelling units therein to arrive at a water gallonage per dwelling unit, at which time each dwelling unit shall be charged on the average water consumption for each unit in addition to the minimum charge as required by this section. The occupant or owner of any dwelling unit without a water meter shall have the option to install a water meter on the well which supplies water to the dwelling unit. Said installation shall be for each dwelling unit and not for a building containing several dwelling units. The installation of any water meter shall be at the cost of the owner/occupant and shall be installed under the supervision of the Township of Lower Makefield.

d. Service provided to dwellings with no water meter shall be Two Hundred Sixty Nine Dollars and twenty-two cents (\$269.22).

2. Commercial and Industrial Establishments

- a. All owners of commercial and industrial establishments in the Township connected to the sewer system shall pay sewer rentals based upon actual water consumption, except as set forth in subparagraphs (b) and (c) of this paragraph 2 and paragraph 3 of this Resolution. Sewer rentals based upon water consumption shall be billed at the rate of Twenty Two Dollars and ninety-three cents (22.93) per one thousand (1,000) gallons of water consumed during the quarter for which the billing is rendered; provided, however, that no sewer rental bill rendered to each commercial or industrial establishment shall be less than Two Hundred Ninety Seven Dollars and sixty-five cents (\$297.65) per quarter.
- b. For all public, parochial and private schools, water consumption shall be as recorded on water meters from the public water system or at potable well heads. Sewer rentals based upon water consumption shall be billed at the rate of Twenty Two Dollars and ninety-three cents (\$22.93) per one thousand (1,000) gallons of water consumed during the quarter for which the billing is rendered; provided, however, that no sewer rental bill rendered to each commercial or industrial establishment shall be less than Two hundred Ninety-Seven Dollars and sixty-five cents (\$297.65) per quarter.

3. Penalty and Interest

Quarterly charges for sewer service shall be subject to a ten (10%) percent penalty if not paid within thirty (30) days from the billing date. If quarterly charges for sewer service are not paid within sixty (60) days from the billing date, the bill therefore, in addition to the aforesaid ten (10%) penalty, shall be subject to a one (1%) percent penalty per month

or fraction thereof until the date of payment. If not paid within one hundred fifty (150) days from the billing date, the Township shall have the right to cut off sewer service from the delinquent premises and not to restore the same until all delinquent bills against the same and the cost of cutting off and restoring service shall have been paid.

5. All provisions of Article III "Sewer Rents and Charges" of the Lower Makefield Township Code shall remain in effect, except as otherwise set forth herein.

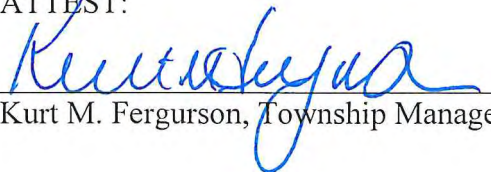
6. This Resolution shall become effective five (5) days after enactment as provided by law and shall apply to all billings made for the first quarter of 2020 and thereafter.

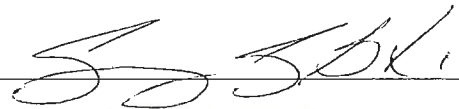
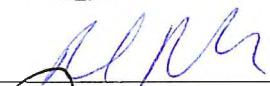
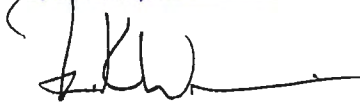
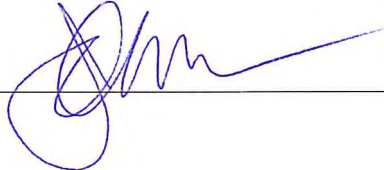
7. In the event any provisions, section, sentence, clause or any part of this Resolution shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, section, sentence, clause or part of this Resolution. It being intended by this Resolution that such remainder shall be and shall remain in full force and effect.

RESOLVED by the Supervisors of the Township of Lower Makefield, Bucks County, Pennsylvania, this 18th day of December, 2019.

BOARD OF SUPERVISORS
LOWER MAKEFIELD TOWNSHIP

ATTEST:


Kurt M. Ferguson, Township Manager

Chapter 164
SANITARY SEWER SYSTEMS

ARTICLE I

**Oil and Grease Interceptors and Traps
[Adopted 3-6-2019 by Ord. No. 417]****§ 164-1. Purpose.**

The purpose of this article is to establish uniform requirements for oil and grease interceptor/trap systems and their maintenance to prevent the discharge of certain oils, grease, fats, grit and similar substances into the public sewer system and to establish permits and penalties for violations of this article.

§ 164-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AUTHORIZED AGENT — An employee, consultant, or authorized representative who is delegated to function as an agent of the Lower Makefield Township Board of Supervisors to conduct inspections of grease interceptors and/or traps within Lower Makefield Township.

FATS, OILS, AND GREASES (FOG) — Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases."

GREASE INTERCEPTOR —

- A. A plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept nonpetroleum fats, oils, and greases (FOG) from a wastewater discharge and is identified by volume, thirty-minute retention time, baffle(s), a minimum of two compartments, a minimum total volume of 1,000 gallons, and gravity separation. These interceptors are designed by a registered professional engineer who must provide sizing calculations in accordance with the EPA method. Gravity grease interceptors shall be installed outside unless the applicant receives written approval otherwise.
- B. Existing facilities that are in operation prior to the adoption of this article shall not have to comply with the design standards of this article so long as the existing FOG removal equipment was in compliance with the applicable building and plumbing code at the time of installation.

PERSON — Any individual, partnership, corporation, limited-liability company, or any other legal entity.

PROHIBITED DISCHARGE STANDARDS — The standards as described in the current wastewater discharge standards of the receiving wastewater treatment plant and Lower Makefield Township. The maximum allowable concentration FOG shall not exceed 100 mg/l.

§ 164-3. Applicability.

- A. This article shall apply to both new and existing facilities generating fats, oils, or greases as a result of food manufacturing, processing, preparation, or food service, and all such facilities shall install, use, and maintain appropriate grease interceptors as required by this article. Existing facilities that are in operation prior to the adoption of this article shall not have to comply with the design standards of this article so long as the existing FOG removal equipment was in compliance with the applicable building and plumbing code at the time of installation. All existing facilities are required to comply with all other requirements of this article.
- B. Wastewater that contains FOG shall be discharged into the sewer system only under the conditions of this article. The following facilities shall discharge all wastewater from sinks, dishwashers, drains, and any other fixtures through which grease may be discharged, into an adequately sized, properly maintained and functioning grease interceptor before the discharge enters the sanitary sewer system.
- (1) Every commercial food establishment such as restaurants, food courts, banquet facilities, etc.
 - (2) Every facility that prepares or serves food such as day cares, schools, mini markets, etc.
 - (3) All commercial, retail and industrial facilities that have the potential to discharge FOGs.
 - (4) Manufacturing processes that utilize or generate FOGs including cleaning of material.
 - (5) All vehicle repair facilities.
 - (6) All areas of intensified dwelling, including, but not limited to, adult day-care facilities, assisted-living facilities, convalescent homes, day nursing and child-care facilities in which food preparation occurs, homes for the mentally challenged, hotels, maternity homes, motels in which there is a commercial food preparation service, nursing homes, retirement and life care communities and homes, and truck stops with commercial food service, shall be required to have grease interceptors.
 - (7) All other generators discharging grease in amounts that, in the opinion of an authorized agent, will, alone or in concert with other substances from the discharges of other facilities, have a reasonable chance to impede or stop the flow of the sewer system.
- C. Grease interceptors shall not be required for single-family residences, duplexes, triplexes, quadplexes, or apartment complexes, unless an authorized agent first determines there are discharges from the property that may create problems in the sewer system. The

determination shall be made based upon an investigation of the property and a comparison of the content and amount of discharge from the property with the discharges of other properties similar in size and use. Upon a determination that the discharges will create problems in the sewer system, the authorized agent may require the installation of a sufficiently sized grease interceptor to treat the discharges.

- D. No user may intentionally or unintentionally allow the direct or indirect discharge of any fats, oils, or greases of animal or vegetable origin into the public sewer system in such amounts as to cause interference with the collection and treatment system, or as to cause pollutants to pass through the treatment works into the environment.

§ 164-4. Permit requirements.

- A. It shall be unlawful for any existing facility or new facility required to have a grease interceptor to discharge wastewater without authorization in the form of an FOG permit. Application for an FOG permit shall be made to Lower Makefield Township. If, after examining the information contained in the FOG permit application, it is determined by an authorized agent that the proposed discharge does not conflict with the provisions of this article, or any other federal, state, or local requirement or regulation, an FOG permit shall be issued.
- B. An FOG permit shall be issued for a time not longer than two years and must be renewed 60 days prior to expiration of the permit or upon a change in use, tenant or owner of the facility. The terms and conditions of the FOG permit may be subject to modification by Lower Makefield Township at any time during the term of the FOG permit as limitations or requirements as identified in this section are modified or other just causes exist. Any changes or new conditions in the FOG permit shall include a reasonable time schedule for compliance.
 - (1) As a condition precedent to the granting of an FOG permit, the permittee agrees to fully indemnify and hold harmless Lower Makefield Township or any of its authorized agents from any liabilities, obligations, debts or claims which may arise or arising from the permittee's operations under the FOG permit.
 - (2) The permittee shall apply to become permitted by fully completing and signing Lower Makefield Township's FOG permit application and paying the permit fee in an amount as established by resolution of the Lower Makefield Township Board of Supervisors. Such fee shall be payable to Lower Makefield Township and until all applicable fees, charges and expenses have been paid in full, the application shall be considered incomplete and no action shall be taken on any applications or appeal.
 - (3) The FOG permit application shall include the following:

- (a) The permittee or user's name, address and telephone number, and the name, address, and telephone number of the existing facility to be serviced, if different.
 - (b) The name, title, address and phone number of each of the authorized signatory representatives.
 - (c) The name of the contact person for the existing facility.
 - (d) Name(s) on the water supply account(s), the water service account number(s), and a copy of the last water bill.
 - (e) A description of any anticipated changes or expansions to the existing facility during the next three years that could alter wastewater volumes or characteristics.
 - (f) The size of each existing grease interceptor, how often they are currently serviced and if any additives are used.
 - (g) The current shift information.
 - (h) A list of all major equipment used for food preparation.
 - (i) The precise and unambiguous location of the grease interceptor(s) on the property, including a diagram if necessary.
 - (j) A signature and date by an authorized signatory representative.
- (4) A copy of the FOG permit application can be obtained by contacting the Lower Makefield Township office at (610)277-4103, Monday through Friday, between the hours of 8:30 a.m. and 4:30 p.m.

§ 164-5. Fees.

Fees for application, operation, enforcement, administration, and reimbursement of costs incurred pursuant to this article by an authorized agent shall be adopted by resolution by the Lower Makefield Township Board of Supervisors from time to time, including any fees or penalties for violations of this article and its regulations.

- A. Lower Makefield Township, with the approval of the Lower Makefield Township Board of Supervisors, may establish permit fees under this article.
- B. The fees for such permits shall be for a permit issued for a period of one year. If a permit is issued for a period of two years, the permittee shall be responsible to pay a fee for the two-year period. Lower Makefield Township may prorate the amounts for permits with shorter durations. All permits will expire at 12:00 midnight on the date specified on the permit as determined by Lower Makefield Township.

§ 164-6. Exemptions.

A person may apply for an exemption from the requirements of this article if the facility can demonstrate that they do not produce FOG(s) in excess of the maximum allowable concentration and no food preparation is part of their daily activities. The person must submit a written request describing their operation and the reasons why the facility should be granted an exemption to Lower Makefield Township in order to be considered for an exemption. In order for an exemption to be considered, the applicant must provide the following:

- A. Certified laboratory results of a sample of their wastewater demonstrating that their discharge concentrations are below the allowable level. The sample must be taken in the presence of an authorized agent of Lower Makefield Township.
- B. The facility must be inspected by an authorized agent of Lower Makefield Township to confirm that food preparation or other sources of FOG are not present at the facility.
- C. If required by Lower Makefield Township, video inspection of an existing lateral or sewer main to verify that FOG is not present in the pipes.

§ 164-7. Design.

Subject to the requirements of the Uniform Construction Code, an oil and grease interceptor must meet the following criteria:

- A. Provide a minimum detention time of 30 minutes which shall be calculated based upon the maximum flow rate of all fixtures, equipment and sink compartments. The flow rate shall be calculated by the drainage load divided by the drainage rate. The drain load calculation shall utilize 75% of the capacity of the fixture, equipment or sink compartment. The drainage rate shall be one minute. The applicant can also utilize the EPA Method for calculating the size of the grease trap as an approved alternative method of sizing the grease interceptor.
- B. The grease interceptor shall be located outside of the building.
- C. The minimum useable volume shall be 1,000 gallons and provide sufficient detention time to allow the temperature of the wastewater to cool to the point where all of the FOG is retained by the grease interceptor/trap.
- D. The grease interceptor shall be installed at a minimum distance of 10 feet from sinks and dishwashers to allow for adequate cooling of wastewater. Water temperature must be less than 140° F. prior to entering the grease interceptor.
- E. The grease interceptor/trap shall contain two compartments with an access hatch for each compartment for cleaning and maintenance.

- F. There shall be a sampling manhole located immediately downstream of the grease interceptor which shall allow for sampling of the effluent from the grease interceptor prior to the waste stream being combined with the domestic wastewater from the facility. The use of cleanouts shall not be permitted without written approval of Lower Makefield Township. The sampling manhole shall be accessible at all times by Lower Makefield Township and their authorized representatives.

§ 164-8. Discharge criteria.

The following standards shall apply:

- A. Where FOG are a by-product of food preparation and/or cleanup, reasonable efforts shall be made to separate waste oil and grease into a separate container for proper disposal. Except as contained in by-products of food preparation and/or cleanup, waste oil and grease shall not be discharged to any drains or grease interceptors. Such waste shall be placed in a container designed to hold such waste and either utilized by industry or disposed of at suitable disposal sites.
- B. None of the following agents shall be placed directly into a grease interceptor, or into any drain that leads to the grease interceptor:
- (1) Emulsifiers, de-emulsifiers, surface active agents, enzymes, degreasers, or any type of product that will liquefy grease interceptor wastes.
 - (2) Any substance that may cause excessive foaming in the sewer system.
 - (3) Any substance capable of passing the solid or semi-solid contents of the grease interceptor to the sewer system.
 - (4) Illegal discharge items, such as hazardous wastes, including, but not limited to, acids, strong cleaners, pesticides, herbicides, paint, solvents, or gasoline.
 - (5) Use of grease interceptor treatment products, including bacteria designed to digest grease, is specifically prohibited without prior written consent of the Township in accordance with the following:
 - (a) Acceptance of such products for use may be considered only where a valid screening test, showing the product's ability to treat the wastewater and to produce an influent in compliance with this article, has been performed in accordance with methods outlined and approved by the Lower Makefield Township.
 - (b) If a product is approved, each generator shall obtain written permission from Lower Makefield Township to use the product.

- C. The influent to grease interceptors shall not exceed 140° F. The temperature at the flow control device inspection port shall be considered equivalent to the temperature of the influent.
- D. Toilets, urinals, and other similar fixtures shall not discharge through a grease interceptor.
- E. All waste shall only enter the grease interceptor through the inlet flow control device, then the inlet pipe.
- F. Where food-waste grinders are installed in a nonresidential establishment, the waste from those units shall discharge directly into the building drainage system without passing through a grease interceptor.
- G. The concentration of FOG that can be discharged to the sewer system shall not exceed 100 mg/l.

§ 164-9. Inspections.

- A. The owner or person utilizing any property connected to the sanitary sewer system of Lower Makefield Township shall permit an authorized agent of Lower Makefield Township:
 - (1) To enter upon and have access to all properties and facilities for the purposes of inspection, sampling, and testing to determine compliance with the provisions of these regulations; and
 - (2) To examine and copy all records required to be maintained by the property owner and business owner for the purpose of determining compliance with the provisions of these regulations.
- B. Any oil and grease interceptor/trap system may be inspected by an authorized agent of Lower Makefield Township at any reasonable time. Such inspection may require a physical tour of the property, sampling of the oil and grease interceptor/trap, and dye-testing of the interior plumbing to determine the path and ultimate destination of the generated wastewater, and the owner or person utilizing the property shall provide free unfettered access to the property and facilities to the authorized agent of Lower Makefield Township for said inspection.
- C. An initial inspection may be conducted by an authorized agent of Lower Makefield Township to determine the type and functionality of each oil and grease interceptor/trap.
- D. A schedule of routine inspections by Lower Makefield Township may be established to assure proper functioning of the oil and grease interceptor/trap.
- E. An authorized agent of Lower Makefield Township shall inspect systems known or alleged to be malfunctioning. Should said inspections reveal the system is malfunctioning, the authorized agent will order action to be taken to correct the malfunction.

- F. Any person or owner utilizing any property or facility subject to the requirements of this article shall provide free and unfettered access to the facility and property to the authorized agent of Lower Makefield Township for the specific purposes of inspections as required herein.

§ 164-10. Maintenance.

- A. Every person owning a building or structure containing an oil and grease interceptor/trap system, as well as any person making use of the oil and grease interceptor/trap system, shall have the oil and grease interceptor/trap pumped by a pumper/hauler, qualified and approved by the Township as a qualified pumper/hauler, within 60 days of the effective date of this article. Thereafter, all persons required to pump an interceptor system shall do so at least every quarter. The owner and/or utilizer of the oil and grease interceptor/trap shall submit to Lower Makefield Township a manifest from the pumper/hauler confirming the pumping of the oil and grease interceptor/trap within 10 days after the removal of the accumulated oil and grease.
- B. The required pumping frequency may be increased by Lower Makefield Township if determined that increased frequency is required to maintain efficient operating conditions.
- C. Any person owning a property served by an oil and grease interceptor/trap, as well as any person making use of the oil and grease interceptor/trap system, must submit, with each required pumping receipt, a written statement from the pumper/hauler that the baffles in the oil and grease interceptor/trap have been inspected and found to be in good working order. Any person whose oil and grease interceptor/trap baffles are determined to require repair or replacement must first contact Lower Makefield Township for approval of the necessary repair and to obtain all required permits.
- D. Any person owning a building served by an oil and grease interceptor/trap, as well as any person utilizing an oil and grease interceptor/trap system, must follow the operation and maintenance recommendations of the equipment manufacturer. In no case may the service or pumping intervals for the oil and grease interceptor/trap exceed those recommended by the manufacturer.
- E. No person shall introduce, or cause, permit, or suffer the introduction of any surfactant, solvent or emulsifier into a grease interceptor. Surfactants, solvents, and emulsifiers are materials which allow the grease to pass from the grease interceptor into the collection system, and include but are not limited to enzymes, soap, diesel, kerosene, terpene, and other solvents.

§ 164-11. Cleaning schedules.

- A. Grease interceptors shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the

efficiency of the grease interceptor; to ensure the discharge is in compliance with local discharge limits; and to ensure no visible grease is observed in discharge.

B. Grease interceptors shall be completely evacuated a minimum of every 90 days, or more frequently when:

(1) Twenty-five percent or more of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases; or

(2) The discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by Lower Makefield Township; or

(3) If there is a history of noncompliance.

(a) Any person who owns or operates a grease interceptor may submit to Lower Makefield Township a request, in writing, for an exception to the ninety-day cleaning frequency of their grease interceptor. The Township may grant an extension for required cleaning frequency on a case-by-case basis when:

[1] The grease interceptor owner/operator has demonstrated the specific interceptor will produce an effluent, based on defensible analytical results, in consistent compliance with established local discharge limits such as BOD, TSS, FOG, or other parameters as determined by Lower Makefield Township; or

[2] Less than 25% of the wetted height of the grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases.

(b) In any event, a grease interceptor shall be fully evacuated, cleaned, and inspected at least once every 180 days.

§ 164-12. Manifest requirements.

A. Each pump-out of a grease interceptor must be accompanied by a manifest to be used for record-keeping purposes. In addition, facilities which generate, collect and transport grease waste shall maintain a record of each individual collection and deposit. Such records shall be in the form of a manifest, which shall meet the following requirements:

(1) Name, address, telephone, and commission registration number of transporter.

(2) Name, signature, address, and phone number of the person who generated the waste and the date collected.

(3) Type and amount(s) of waste collected or transported.

- (4) Name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste.
 - (5) Date and place where the waste was deposited.
 - (6) Identification (permit or site registration number, location, and operator) of the facility where the waste was deposited.
 - (7) Name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received.
 - (8) The volume of the grease waste received.
 - (9) A consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of grease transported.
- B. Manifests shall be divided into five parts and records shall be maintained as follows:
- (1) One part of the manifest shall have the generator and transporter information completed and shall be given to the generator at the time of waste pickup.
 - (2) The remaining four parts of the manifest shall have all required information completely filled out and signed by the appropriate party before distribution of the manifest.
 - (3) One part of the manifest shall go to the receiving facility.
 - (4) One part shall go to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste.
 - (5) One copy of the manifest shall be returned by the transporter to the person who generated the wastes within 10 days after the waste is received at the disposal or processing facility.
 - (6) One part of the manifest shall go to the Lower Makefield Township within 10 days.
 - (7) Copies of manifests returned to the waste generator shall be retained for five years and be readily available for review by the Lower Makefield Township.

§ 164-13. System rehabilitation.

- A. A written notice of violation may be issued to any person who is the owner of any property which is found to be served by a malfunctioning oil and grease interceptor/trap system, and/or to any person utilizing said oil and grease interceptor/trap system, or who is discharging oil and grease without a permit.

- B. Within seven days of notification by Lower Makefield Township that a malfunction has been identified, the property owner, and/or the person utilizing the oil and grease interceptor/trap system, must make application to Lower Makefield Township for approval to repair or replace the malfunctioning system. Within 30 days of initial notification by Lower Makefield Township, construction of the permitted repair or replacement must commence. Within 60 days of the original notification by Lower Makefield Township, the construction must be completed, unless conditions mandate a longer period, in which case Lower Makefield Township may set an extended completion date.
- C. In the event the modifications do not result in the elimination of the malfunction of the existing oil and grease interceptor/trap system, the person owning and/or making use of the interceptor system shall bear responsibility for the continued malfunction of the system. The owner and/or utilizer of said system shall be required to take such action as necessary to eliminate the malfunction.

§ 164-14. Failure to comply; work performed by Township.

Lower Makefield Township, upon forty-eight-hours' advance notice to the owner or person of a facility or property that falls under the requirements of this article that an imminent public health or safety hazard exists due to failure of a property owner and/or utilizer to maintain, repair or replace an oil and grease interceptor/trap system, shall have the authority to contract to have the work performed. The owner of record of the property will be charged for the work performed. Upon receipt of notice of the costs and charges for work performed by Lower Makefield Township under this article, the property owner and/or utilized shall tender full payment to the Township within 15 business days. If said payment is not tendered to the Township within 15 days of notice of the costs and charges, the Township, without any further notice to the owner and/or utilizer, may file a lien against the property in order to collect said costs and charges.

§ 164-15. Oil and grease disposal.

- A. All grease originating within a sewer system intended to flow to the public sewer system shall be disposed of in accordance with the requirements of the Solid Waste Management Act (Act 97 of 1980, 35 P.S. § 6018.101 et seq.) and all other applicable laws, and shall be disposed of at sites or facilities approved by the Pennsylvania DEP.
- B. Oil and grease pumpers/haulers operating within Lower Makefield Township's collection system shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§ 6018.101 through 6018.1003) and all other applicable laws.

§ 164-16. Violations and penalties.

- A. It is unlawful for any generator to discharge into the sewer system in any manner that is in violation of this article, or of any condition set forth in this article. Additionally, a person commits an offense if the person causes or permits the plugging or blocking of, or otherwise interferes with or permits the interference of, a grease interceptor or the sewer system, including alteration or removal of any flow constricting devices so as to cause flow to rise above the design capacity of the grease interceptor. No person and/or existing facility shall discharge grease in excess of 100 mg/l to the sewer system. If such discharge occurs, the person or existing facility shall be considered in violation of this article and subject to the remedies described herein. Such remedies include but are not limited to nonpermitted existing facilities. The authorized agent is hereby empowered to enter and inspect any premises upon which he/she has reasonable grounds to believe a violation exists. If violation of any of the provisions of this article exists, the authorized agent shall issue written notice to be served by registered or certified mail upon the owner of such premises or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises. Such notice shall specify the condition of the violation and shall require the owner to commence to remove or otherwise rectify the offending condition within five days of notification and thereafter to fully comply with the requirements of the notice within 20 days. Failure to comply and remediate the violation as noted shall result in the remediation and/or repairs being completed by Lower Makefield Township, subject to collection of all costs, fees and other related charges as set forth hereinabove, including payment of such fines and/or penalties as set forth and adopted by the Township, approved by the Lower Makefield Township Supervisors.
- B. Lower Makefield Township may immediately request to suspend water service when such suspension is necessary, in the opinion of Lower Makefield Township, in order to stop an actual or threatened discharge which:
- (1) Presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment.
 - (2) Causes stoppages or excessive maintenance to be performed to prevent stoppages in the sewer system.
 - (3) Causes interference to the sewer system.
 - (4) Causes the receiving WWTP to violate any condition of its NPDES permit.
- C. Any person notified of a suspension of the water service shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, Lower Makefield Township shall take such steps as deemed necessary, including immediate termination of water service, to prevent or

minimize damage to the sewer system or sewer connection or endangerment to any individuals. Lower Makefield Township shall reinstate the water service when such conditions causing the suspension have passed or been eliminated. A detailed written statement submitted by the generator describing the cause(s) of the harmful discharge and the measure(s) taken to prevent any future occurrence shall be submitted to Lower Makefield Township within 15 days of the date of occurrence.

- D. In addition to prohibiting certain conduct by persons, it is the intent of this article to hold a corporation, association, limited-liability corporation, limited-liability partnership or private owner legally responsible for prohibited conduct performed by an agent acting on behalf of a corporation or association and within the scope of his office or employment.
- E. Enforcement shall be as set forth in Section 1-9 of the Lower Makefield Township Code, as amended from time to time, including the filing of any nontraffic violation citation with the local courts and the Township seeking payment of such fines and/or penalties as more fully set forth and adopted by the Township Supervisors.
- F. An owner, permittee and/or utilizer shall be liable to Lower Makefield Township for any and all expense, loss, or damage occasioned or incurred by Lower Makefield Township as a result of appropriate cleanup and proper disposal of said wastewater materials resultant from the improper and/or unpermitted discharge of materials as governed by this article. Additionally, an administrative fee equal to 1/2 of assessed cleanup costs shall be levied by Lower Makefield Township against the guilty party.
- G. The performance by Lower Makefield Township of its obligations as set forth in this article shall create no liability of any nature upon Lower Makefield Township, its officials, employees or authorized agents.
- H. All reports, inspections, appraisals, certification or records required or produced by Lower Makefield Township, or its authorized agents, as required by this article, shall be for the use and benefit of Lower Makefield Township only and shall not be accepted, utilized or relied upon by any other person or party by way of certification or otherwise.

§ 164-17. Appeals.

- A. Any property owner aggrieved by the decision of a Lower Makefield Township employee or other authorized agent of Lower Makefield Township pursuant to this article may appeal said decision by sending the appropriate completed appeal form to the Lower Makefield Township Manager, which appeal shall be filed within 30 days from the date of the decision at issue.

- B. The property owner and/or person filing said appeal shall be entitled to a hearing before the Lower Makefield Township Board of Supervisors, or its designee, within 30 days of receipt of the appeal.
- C. Either party, by good cause shown, may extend the time for a hearing, but said decision shall be left to the discretion of the Lower Makefield Township Board of Supervisors or its designee. A hearing shall be conducted in accordance with the provisions of the Pennsylvania Local Agency Act.¹
- D. A decision shall be rendered, in writing, within 45 days of the conclusion of the hearing and all proceedings related thereto. If the Lower Makefield Township Board of Supervisors or its designee shall fail to render a decision within 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 Lower Makefield Township Board of Supervisors or its designee may, within 30 days after such decision of the Board, file an appeal to the Court of Common Pleas of Bucks County.

1. Editor's Note: See 2 Pa.C.S.A. § 551 et seq.

ARTICLE II
Sewer Lateral Inspections
[Adopted 12-4-2019 by Ord. No. 421]

§ 164-18. Recitals.

The above recitals shall form a part of this article as though the same were set forth herein at length.²

§ 164-19. Definitions.

- A. Unless the context specifically indicates otherwise, the meaning of the terms used in this article shall be as follows:

APARTMENT COMPLEX — A building or group of buildings that contain four or more units or suites of rooms that form a residence, and which are rented for independent residential use of each unit.

BOARD OF SUPERVISORS — The Board of Supervisors of Lower Makefield Township.

CERTIFICATION — As described herein, shall reference the document issued by the Township certifying the subject inspected lateral as having met the necessary standards for issuance of an accompanying private sanitary sewer lateral inspection permit.

(1) A residential certification shall be valid for up to two years.

(2) A nonresidential certification shall be valid for up to 10 years.

COMMON LATERAL — The sanitary sewer lateral where more than one private sanitary sewer lateral is connected to form a common or manifold of multiple laterals. This portion of the lateral is generally owned, maintained and the responsibility of an association such as a homeowner's association or another entity. The common lateral is generally identified on Exhibit B.³

COMPLIANCE — Compliance with the provisions of this article as set forth herein, and any amendments thereto; the Township Code of the Lower Makefield Township, including, but not limited to, Chapter 322, Sewers; all rules, regulations, and resolutions of any applicable municipal authority and the Pennsylvania Department of Environmental Protection; sound engineering practice; and the standard specifications governing connection to and use of sanitary sewer collection systems.

EMPLOYEES — Such employees, agents, and designated representatives or officials of the Lower Makefield Township as the Township shall, from time to time, designate and utilize in the making of the inspection and/or tests hereafter described in carrying out the duties as prescribed herein to be performed on behalf of the Township.

2. **Editor's Note: The recitals to this article can be found in the text of Ord. No. 421, on file in the Township offices.**

3. **Editor's Note: Exhibit B is included as an attachment to this chapter.**

FALLS TOWNSHIP SERVICE AREA — The portion of Lower Makefield Township identified on the plan shown in Exhibit A⁴ as the Falls Township Service Area. The sanitary sewer mains and manholes in this area are owned and maintained by the Township of Falls Authority. The private sanitary sewer laterals which are owned and the responsibility of the property owners extend from the building to the connection point to the sanitary sewer main.

I/I — Inflow and infiltration of groundwater and surface water into the sanitary sewer mains, manholes and laterals that either connect to or are a component of the public sanitary sewer system.

NONRESIDENTIAL UNITS — Any unit or property in Lower Makefield Township which is not used for residential purposes as defined by the Lower Makefield Township Zoning Code. Nonresidential units shall include, but are not limited to, any and all commercial, industrial and institutional buildings that are connected to the public sanitary sewer system.

NOTICE — Advisements of inspections and tests of the system to be performed by the Township.

POSS — The publicly owned sanitary system located in Lower Makefield Township. This includes all of the sanitary sewer mains, manholes, laterals (from sanitary sewer main to right-of-way of a road or edge of a sanitary sewer easement), pump stations and related sanitary sewer facilities.

PRIVATE SANITARY SEWER LATERAL — The sewer pipe extending from a building to the right of way of a public street or the edge of a sanitary sewer easement in all areas of Lower Makefield Township except for the Falls Township service area where the private sanitary sewer lateral extends all the way from the building to the sanitary sewer main.

SUMP PUMP — Any pump connected to the private sanitary sewer lateral, or to any pipe connected to the private sanitary sewer lateral that is being used to pump groundwater or surface water into the sanitary sewer system.

SYSTEM — All facilities for collecting, pumping, and disposing of sanitary sewage, which are owned by the Township or the Township of Falls Authority.

TOWNSHIP — The Lower Makefield Township.

TRANSFER — The transfer of title to real estate when sale or gift is intended, but excluding transfers that occur for the following reasons:

- (1) Conversion: A change in an entity's form or organization, place of organization, or name.

4. Editor's Note: Exhibit A is included as an attachment to this chapter.

- (2) Financing transaction: When realty is transferred by the debtor solely for the purpose of serving as security for the payment of a debt, or when no sale or debt is intended.
- (3) Living trust is established.
- (4) Confirmatory or corrective deeds.
- (5) Deeds that transfer title of ownership from a single individual into the names of the marital unit of husband and wife, or from the marital unit of husband and wife to an individual in accordance with terms of a divorce decree or other court document.

USER — The owner, lessee, or occupant of the property on which the buildings and/or appurtenances that are connected to the system are located.

- B. Throughout this article, references to the singular shall include the plural, and vice versa, wherever required by the context.

§ 164-20. Sale or transfer of residential properties; inspection required.

- A. The seller of any residential property located in the Township which is connected to the system shall be required to retain the services of a licensed plumber or licensed utility contractor for the purposes of conducting an inspection of the private sanitary sewer lateral to ensure compliance with the provisions of this article. Said inspections shall include, among other things, a video inspection of the private sanitary sewer lateral from the building to the point where the lateral connects to the Lower Makefield Township lateral, common lateral or Township of Falls Authority sanitary sewer main, all of which together shall constitute the certification of compliance of private sanitary sewer lateral.
- B. Should the private sanitary sewer lateral be found not in compliance, the lateral including cleanouts and vent pipes shall be replaced or repaired by the property owner and brought into compliance before transfer or sale of the property can be approved by the Township. The pipe replacement or repair shall be performed by a licensed plumber or licensed utility contractor.
- C. In the event that any transfer of title occurs without the required inspection under this article having being conducted and without the seller obtaining an approved inspection permit from the Township, the buyer or purchaser of the property shall be responsible for having the required inspection completed and for the submission of an approvable inspection form with required inspection video to the Township. Any claims of damages between the seller and buyer/purchaser of the property for the lack of compliance with this article shall be solely a private civil matter between the parties and shall not fall under the Township's domain, jurisdiction or authority to settle or mediate.

- D. This section shall not apply to the initial transfer of a newly constructed building involving a new private sanitary sewer lateral connection.
- E. The Township, upon payment of any application and inspection fee and upon the Township's receipt and approval of the certification set forth in Subsection A above, including a copy of the televised video inspection, which shall include the certification specifically certifying that: a) no I/I enters into the private sanitary sewer lateral; b) the private sanitary sewer lateral does not require any repairs, nor contains any illegal connections; and c) that the cleanout vent is undamaged and capped above grade, shall then issue a private sanitary sewer lateral inspection permit to the seller who shall deliver said permit to the buyer or purchaser of the property at the time of the sale or conveyance.
- F. In the event that the property owner fails to repair or replace the private sanitary sewer lateral as required by Subsection B above, the Township shall be authorized as permitted by law to enter the property and repair or replace the private sanitary sewer lateral. If the Township repairs or replaces the private sanitary sewer lateral, the Township shall charge the property owner for the cost and expenses incurred by the Township to repair or replace the private sanitary sewer lateral, and the property owner shall pay the Township within 30 days of the date of the charge/invoice. In the event that the property owner fails to tender payment or fails to enter into satisfactory payment arrangements with the Township, the Township may file a municipal lien against the property pursuant to Pennsylvania's Municipal Claims Act⁵ and/or pursue other legal remedies for the collection of same.
- G. The property owner shall permit the designated employees or agents of the Township access during reasonable hours of the day to all parts of the property to make necessary inspections and observations for the Township to ensure compliance with this article.

§ 164-21. Problem laterals and conveyance lines; inspection required.

- A. Upon 10 days written notice from the Township that the Township intends to replace or repair a sanitary sewer conveyance line to which the user's private sanitary sewer lateral is connected or upon the Township identifying a problem with any private sanitary sewer lateral during a routine inspection of the sanitary sewer system, all affected users of the system, after notice by the Township, shall make an appointment with the Township to allow the user's private sanitary sewer lateral to be inspected in accordance with the terms and conditions set forth herein to determine compliance.
- B. Upon completion of an inspection by the Township, if the private sanitary sewer lateral is found not to be in compliance with the terms of this article and/or other applicable Township regulations, the lateral,

5. Editor's Note: See 53 P.S. § 7101 et seq.

including all cleanouts and vent pipes, shall be replaced or repaired and brought into compliance by the property owner within 30 days of the date of the notice of the noncompliance of the system. The pipe replacement or repair shall be performed by a licensed plumber or licensed utility contractor.

- C. The purpose of the inspection required by this article is to remove any I/I from entering into the private sanitary sewer lateral; to ensure that there are no holes or damage(s) in or to the private sanitary sewer lateral; to verify that all cleanouts and/or vents are properly capped above ground and not damaged; and to identify and remove any roof leaders, yard, driveway drains or sump pumps connections as well as any other potential sources of I/I in or to the laterals throughout the Township.
- D. The Township shall not charge the user for the inspection required by this § 164-21.
- E. In the event that the property owner fails to repair or replace the private sanitary sewer lateral as required by Subsection B above, the Township shall be authorized as permitted by law to enter the property and replace the private sanitary sewer lateral. If the Township repairs or replaces the private sanitary sewer lateral, the Township shall charge the property owner for the cost and expenses incurred by the Township to repair or replace the private sanitary sewer lateral, and the property owner shall pay the Township within 30 days of the date of the charge/invoice. In the event that the property owner fails to tender payment or fails to enter into satisfactory payment arrangements with the Township, the Township may file a municipal lien against the property pursuant to Pennsylvania's Municipal Claims Act⁶ and/or pursue other legal remedies for the collection of same.
- F. The property owner shall permit the designated employees or agents of the Township access during reasonable hours of the day to all parts of the property to make necessary inspections and observations for the Township to ensure compliance with this article.

§ 164-22. Residential units with common laterals; inspection schedule; requirements.

- A. Residential housing units, excluding apartments, with common laterals to multiple residential units are required by this article to perform the inspection of the common lateral from the point where more than one private lateral line is connected and forms a common lateral or manifold to the location of the Township-owned portion of the lateral, or to the sanitary sewer main in the Falls Township service area. An example of the common lateral is contained in Exhibit B⁷ to this article. Common

6. Editor's Note: See 53 P.S. § 7101 et seq.

7. Editor's Note: Exhibit B is included as an attachment to this chapter.

laterals may be owned and are the responsibility of a homeowner's association or other type of association.

- B. The common laterals are to be inspected and repaired on the schedule that is outlined in Subsection C below. The property owner(s) of each unit will be responsible to inspect, repair if necessary and obtain an approved lateral inspection form which, once approved by the Township, will be the private sanitary sewer lateral permit subject to the same requirements for all other residential units without common laterals in the Township. This section applies only to residential nonapartment units with common laterals that are subject to the schedule. The transfer of any property connected to a common lateral will not be delayed or postponed by the Township due to an issue with the common lateral.
- C. The owners of the common laterals, as defined by this article, must comply with the following ten-year cycle for the inspection and repairs of all common lateral lines:
- (1) The common laterals must be visually inspected with a video inspection performed by a licensed plumber in every year ending in the number two (i.e., 2022, 2032, 2042).
 - (2) The owners of the common laterals shall obtain a cost estimate for any repairs that are identified either as a result of the inspection or as noted by the Township, which cost estimate must be obtained no later than any year ending in the number three (i.e., 2023, 2033, 2043). This schedule for obtaining a cost estimate is intended to provide the owners of the common lateral sufficient time to secure funds for the necessary repairs.
 - (3) The owners of the common lateral shall perform the required repairs and provide an updated inspection form with a video inspection to the Township documenting that the common lateral has had all repairs completed and that the common lateral complies with all Township requirements, which shall be completed and provided to the Township in every year ending in the number four (i.e., 2024, 2034, 2044). Submissions by any owners of the common lateral to the Township for extension of time to perform repairs based upon claim of hardship by owners of the common lateral, as set forth in Subsection C(4) below, shall be submitted prior to September of any year ending in the number four.
 - (4) The owners of the common lateral may request a one-year extension to perform the required repairs by applying for a hardship to the Township, which shall be determined as approved solely in the Township's discretion. The owners of the common lateral shall provide to the Township the basis for any claimed hardship with documentation of the hardship to the Township and shall further provide certification that the required work,

regardless of the hardship, will be completed in the year ending in the number five (i.e., 2025, 2035, 2045).

§ 164-23. Nonresidential and/or apartment complex units; inspection schedule and requirements.

- A. All nonresidential units and apartment complexes, as defined in this article, shall have laterals inspected and repaired on the schedule that is outlined in Subsection B below. The property owners of each nonresidential unit or apartment complex/units will be responsible to inspect, repair if necessary and obtain an approved lateral inspection form which, once approved by the Township, will be the private sanitary sewer lateral permit.
- B. The property owners of all nonresidential units and apartment complexes must comply with the following ten-year cycle for the inspection and repairs of all private sanitary sewer laterals:
- (1) The nonresidential unit or apartment complex/units private sanitary sewer laterals must be visually inspected with a video inspection performed by a licensed plumber or licensed utility contractor in every year ending in the number two (i.e., 2022, 2032, 2042).
 - (2) Owners of the nonresidential unit or apartment complex/units private sanitary sewer laterals shall obtain a cost estimate for any repairs that are identified either as a result of the inspection or as noted by the Township, which cost estimate must be obtained no later than any year ending in the number three (i.e., 2023, 2033, 2043). This schedule for obtaining a cost estimate is intended to provide the owners of the nonresidential unit or apartment complex/units with sufficient time to secure funds for the necessary repairs.
 - (3) Owners of the nonresidential unit or apartment complex/units shall perform the required repairs and provide a updated inspection form with a video inspection to the Township documenting that the private sanitary sewer lateral has had all repairs completed and that the private sanitary sewer lateral complies with all Township requirements which shall be completed and provided to the Township in every year ending in the number four (i.e., 2024, 2034, 2044). Submissions by owners of a nonresidential unit or apartment complex to the Township for extension of time to perform repairs based upon owner's claim of hardship, as set forth in Subsection B(4) below, shall be submitted prior to September of any year ending in the number four.
 - (4) Owners of the nonresidential unit or apartment complex/units may request a one-year extension to perform the required repairs by applying for a hardship to the Township, which shall be determined as approved solely in the Township's discretion. The nonresidential

unit or apartment complex/units property owner shall provide to the Township the basis for any claimed hardship with documentation of the hardship to the Township, and shall further provide certification that the required work, regardless of the hardship, will be completed in the year ending in the number five (i.e., 2025, 2035, 2045).

§ 164-24. Noncompliance.

- A. In the event a user refuses to comply with any of the terms or conditions of §§ 164-20 through 164-23 hereinabove, a surcharge of \$25 per month for each and every month that said noncompliance exists shall be imposed by the Township to the user, in addition to all other charges authorized and imposed under law. Should a user continue to refuse to comply for a period of 60 days after the final notice of noncompliance, the surcharge shall be increased to \$50 per month for each and every month that said noncompliance exists and shall be imposed by the Township to the property owner, in addition to all other charges authorized and imposed under law.
- B. In the event a user claims compliance with the inspection requirements of §§ 164-20 through 164-23 above, but the Township determines that the buildings and/or appurtenances of said user are not in compliance, then and in such event, the Township, by its designated employee, shall provide written notice of the noncompliance to the user, and the user shall be required to achieve compliance within 45 days of the date of the notice.
- C. After notice to the user as required in Subsection B above, and in the event that the building and/or appurtenances of the user are still determined by the Township not to be in compliance following the time period for corrective work set forth in Subsection B above, and the user refuses or fails to bring the buildings and/or appurtenances into compliance, a surcharge of \$50 per month as set forth in Subsection A above shall be imposed for each user not in compliance, in addition to all other charges authorized and imposed under any applicable law, which surcharges shall commence with the billing period immediately following the date of the inspection or testing by the Township or the date that such noncompliance was determined.
- D. The surcharge referred to herein shall be satisfied upon the following conditions:
 - (1) The user utilizing the system executes a grant of inspection to the Township; and
 - (2) The Township or its authorized agent inspects and/or performs tests on the building and/or appurtenances connected to the system and determines that the buildings and/or appurtenances connected to the system to be in compliance.

- E. Unless the conditions as listed above are met, surcharges will continue to be billed to the user until the date when the buildings and/or appurtenances in question are determined to be in compliance.
- F. In the event that subsequent inspections and/or tests of a property previously in compliance with this article determine that the property no longer complies with this article, the terms and provisions of § 164-24 shall apply, except the user shall also be liable for the payment of a sum equal to the number of the months since the original determination of compliance was made, multiplied by the monthly surcharge amount provided for in Subsection C for knowingly, willfully and/or intentionally creating or permitting such violation to commence and continue. An example of noncompliance reoccurrence is when a reconnection of a sump pump or other prohibited connection is discovered.

§ 164-25. Penalty for noncompliance.

In the event a user is determined to be noncompliant of a second or subsequent violation, then the user shall be liable for the payment of a sum equal to \$1,000 per day, plus an amount equal to the sum of the months since the original noncompliance was corrected (and if never corrected, from the date of such noncompliance determination), multiplied by the monthly surcharge amount provided for in § 164-24.

§ 164-26. Violations.

Any user violating any of the provisions of this article shall be liable to the Township for any and all expenses, costs, and fees including, but not limited to, reasonable attorney's fees, occasioned or caused to the Township by reason of seeking enforcement of such article against the violator, as well as for any losses or damages occasioned or caused to the Township by reason of such violation.

§ 164-27. Remedies.

The Township shall have full power and authority to invoke any legal, equitable, or special remedy for the enforcement of this article.

§ 164-28. Supplemental ordinance.

This article shall be deemed supplemental to all other ordinances and provisions thereof for enforcement and compliance purposes, and shall not be deemed to amend or rescind said other ordinances and provisions; further that any fines, fees, charges, or penalties levied or imposed pursuant to this article shall be in addition to any fines, fees, charges, or penalties levied or imposed pursuant to all other ordinances and provisions thereof.

§ 164-29. Severability provisions.

The provisions of this article shall be deemed severable, and should any section or part hereof be deemed invalid or unenforceable by the courts of the Commonwealth of Pennsylvania, such section, clause, sentence, or provision shall be deemed stricken and the invalid or unenforceable part shall not affect the validity or enforceability of any other part or parts of this article which can be given effect without such part or parts as may be so deemed invalid or unenforceable.

Chapter 166

SEWERS

GENERAL REFERENCES

Sewer Authority — See Ch. 4, Art. I.

Solid waste — See Ch. 172.

Plumbing — See Ch. 150.

Streets and sidewalks — See Ch. 175.

ARTICLE I

**Connection to Falls Township Sewer System
[Adopted 6-3-1963 by Ord. No. 55]****§ 166-1. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

AUTHORITY — The Township of Falls Authority as presently or hereafter constituted, which has been created by the Board of Supervisors of the Township of Falls.

OCCUPIED BUILDING — Each single-dwelling unit, household unit, flat or apartment unit, store, shop, office, business or industrial unit or family unit contained within any structure erected within 150 feet from the sewer system and intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage is or may be discharged.

PERSON — Any individual, firm, company, association, society, corporation or group.

PROPERTY ACCESSIBLE TO THE SEWER SYSTEM — Improved property which adjoins, abuts on or is adjacent to the sewer system or as may be further defined or modified under rules and regulations adopted pursuant to § 166-6.

SANITARY SEWAGE — The normal water-carried household and toilet wastes from residences, business buildings, institutions and industrial establishments.

SEWER SYSTEM — The public sanitary sewer collection system constructed in accordance with the plan dated March 1962, heretofore submitted to and approved by the Township.

TOWNSHIP — The Township of Lower Makefield, Bucks County, Pennsylvania, or the duly constituted and elected municipal authorities thereof.

§ 166-2. Notice of completion.

Whenever the sewer system is completed and ready for public use, it shall be the duty of the Authority to cause notice of the fact to be given by advertisement published once in one newspaper of general circulation in the Township, and such advertisement shall state that the sewer system may be used by all persons owning occupied buildings or property accessible to the sewer system, subject to the payment of connection charges and annual sewer rentals in amounts as may from time to time be fixed by the Authority.

§ 166-3. Connection required; single and separate connections.

- A. All persons owning any occupied building now erected upon property accessible to the sewer system shall, at their own expense, connect such building with the sewer system within 90 days after the date of publication specified in § 166-2.
- B. All persons owning any property accessible to the sewer system upon which an occupied building is hereafter erected shall, at the time of the erection of such building and at their own expense, connect the same with the sewer system.
- C. All persons owning any occupied building upon property which hereafter becomes accessible to the sewer system shall, at their own expense, connect such building with the sewer system within 90 days after notice to do so from the Authority.
- D. Where more than one occupied building, as hereinbefore defined, is contained in a separate structure, a single common connection to the lateral of the sewer system shall be permitted for accommodating all units contained in such structure, except that separate connections shall be required for each semidetached or row-type house or structure.

§ 166-4. Use of privies and other receptacles prohibited.

It shall be unlawful for any person owning any property accessible to the sewer system to erect, construct, use or maintain or cause to be erected, constructed, used or maintained, any privy, cesspool, sinkhole, septic tank or other receptacle on such premises or otherwise for receiving sanitary sewage after the expiration of the particular period specified in § 166-3 hereof or otherwise at any time to erect, construct, use or maintain any pipe, conduit, drain or other facility for the discharge of sanitary sewage into the gutters of the Township, the storm sewers of the Township or upon public or private property or otherwise except into the sewer system.

§ 166-5. Declaration of nuisances; abatement.

Any person who erects, constructs, uses or maintains a privy, cesspool, sinkhole or septic tank on any property accessible to the sewer system or otherwise erects, constructs, uses or maintains any pipe, conduit, drain or other facility for the discharge of sanitary sewage in violation of this article, shall be deemed and shall be declared to be erecting, constructing and maintaining a nuisance, which nuisance the Township is hereby authorized and directed to abate in the manner provided by law.

§ 166-6. Compliance with regulations.

No connection shall be made to the sewer system, except in compliance with the ordinances and resolutions, as well as such rules and regulations as may from time to time be enacted, adopted, approved or promulgated by the Township or the Authority.

§ 166-7. Failure to connect; notice.

After the expiration of the particular periods specified in § 166-3 of this article, if any owner of an occupied building on property accessible to the sewer system fails to connect to the sewer system as required by said § 166-3, the Authority shall cause to be served on the owner of such property so failing to connect to said sewer system, and also upon the occupants of the building in question, a copy of this article and a written or printed notice requiring such connection to be made, and such notice shall further state that its requirements shall be complied with within 30 days from the date thereof.

§ 166-8. Violations and penalties. [Amended 10-21-1996 by Ord. No. 305]

The provisions of this article are declared to be for the health, safety and welfare of the citizens of the Township and persons violating any provisions of this article, upon conviction before any District Justice, shall be fined not more than \$1,000, plus costs of prosecution, including reasonable attorney's fees. Each ninety-day period during which such violation of such provisions shall continue shall be deemed to be a separate offense. Each occupied building, as hereinbefore defined, whether or not the owners thereof shall be permitted to connect two or more occupied buildings or units by a single common connection to a lateral of the sewer system or shall be required to make separate connections for each occupied building or unit, shall constitute a separate and distinct unit under the provisions of this article and the persons owning occupied buildings, consisting of multiple units contained in the same structure, who violate any of the provisions of this article, shall be subject to the aforesaid fine for each and every one of such occupied buildings or units which are in violation of the provisions of this article. All fines collected under this article shall forthwith be turned over by the Township to the Authority. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

ARTICLE II

**Connection to Lower Makefield Sewer System
[Adopted 3-1-1965 by Ord. No. 68]****§ 166-9. Purpose.**

It is declared that enactment of this article is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Township.

§ 166-10. Definitions.

Unless the context specifically and clearly indicates otherwise, the meanings of terms used in this article shall be as follows:

AUTHORITY — The Municipal Sewer Authority of the Township of Lower Makefield, a Pennsylvania municipality authority.

BUILDING SEWER — The extension from the sewage drainage system of any improved property to the lateral of a sewer.

IMPROVED PROPERTY — Any property within this 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 and/or industrial wastes shall be or may be discharged.

INDUSTRIAL WASTES — Any solid, liquid or gaseous substance or form of energy rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from sewage, including such ground-, surface- or stormwater as may be present.

LATERAL — That part of the sewer system extending from a sewer to the curblineline or, if there shall be no curblineline, to the edge of pavement or to the edge of cartway if not paved or, if no such lateral shall be provided, then "lateral" shall mean that portion of, or place in, a sewer which is provided for connection of any building sewer.

OWNER — Any person vested with ownership, legal or equitable, sole or partial or any property located in this Township.

PERSON — Any individual, partnership, company, association, society, corporation or other group or entity.

SEWAGE — Normal water-carried household and toilet wastes from any improved property, including such ground-, surface- or stormwater as may be present.

SEWER — Any pipe or conduit constituting a part of the sewer system used or usable for sewage collection purposes.

SEWER SYSTEM — All facilities, as of any particular time, for collecting, pumping, transporting, treating and disposing of sewage and industrial wastes, situate in or adjacent to this Township and owned, maintained and operated by the Authority or the Township.

TOWNSHIP — The Township of Lower Makefield, Bucks County, Pennsylvania, a political subdivision, acting by and through its Board of Supervisors or, in appropriate cases, by and through its authorized representatives.

§ 166-11. Use of public sewers required; notice; prohibited discharges.

- A. The owner of any improved property which is or hereafter becomes accessible to and whose principal building is within 150 feet of the sewer system shall make connection therewith in such manner as this Township and the Authority may require, within 60 days after notice to such owner from this Township to make such connection, for the purpose of discharge of all sewage and acceptable industrial wastes from such improved property, subject to such limitations and restrictions that shall be established herein or otherwise shall be established by this Township or the Authority, from time to time.
- B. All sewage and acceptable industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under Subsection A, shall be conducted into a sewer, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township or the Authority from time to time.
- C. No person shall place or deposit or permit to be placed or deposited upon public or private property within this Township any sewage or industrial wastes in violation of Subsection A. No person shall discharge or permit to be discharged to any natural outlet within this Township any sewage or industrial wastes in violation of Subsection A, except where suitable treatment has been provided which is satisfactory to this Township.
- D. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used and maintained at any time upon any improved property which has been connected to a sewer or which shall be required under Subsection A to be connected to a sewer. Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of this Township, shall be cleaned and filled under the direction and supervision of this Township; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by this Township, cleansed and filled, shall constitute a nuisance and such nuisance may be abated as provided by law, at the expense of the owner of such improved property.
- E. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a sewer.
- F. The notice by this Township to make a connection to a sewer, referred to in Subsection A, shall consist of a copy of this article, including any amendments at the time in effect and a written or printed document

requiring the connection and may be given at any time after a sewer is in place which can receive and convey sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be served upon the owner either by personal service or by registered or certified mail, as provided by law.

§ 166-12. Building sewers and connections.

- A. Except as otherwise provided in this section, each improved property shall be connected separately and independently with a sewer through a building sewer. Grouping of more than one improved property on one building sewer shall not be permitted except under special circumstances and for good sanitary reasons or other good cause shown, but then only after special permission of this Township and the Authority, in writing, shall have been secured.
- B. All costs and expenses of construction of building sewer and all costs and expenses of connection of a building sewer to a lateral or sewer shall be borne by the owner of the improved property to be connected, and such owner shall indemnify and save harmless this Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building sewer or of connection of a building sewer to a lateral or sewer.
- C. A building sewer shall be connected to a sewer at the place designated by the Authority or where the lateral is provided. The invert of a building sewer at the point of connection shall be at the same or a higher elevation than the invert of the lateral or sewer. A smooth, neat joint shall be made and the connection of a building sewer to the lateral shall be made secure and watertight.
- D. If the owner of any improved property located in the Township and which improved property is or hereafter becomes accessible to and whose principal building is within 150 feet from the sewer system, after 60 days' notice from the Township, in accordance with § 166-11A, shall fail to connect such improved property as required, this Township may enter upon such property and construct such connection and may collect from such owner the costs and expenses thereof. In such case, the Township shall forthwith, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the owner of the improved property to which connection has been so made, which bill shall be payable forthwith. In case of neglect or refusal by the owner of such improved property to pay said bill, the Township shall file municipal liens for said construction within six months of the date of the completion of the construction of said connection, the same to be subject in all respects to the general law provided for the filing and recovery of municipal liens.

§ 166-13. Rules and regulations governing building sewers and connections.

- A. Where an improved property, at the time connection to a sewer is required, shall be served by its own sewage disposal system or device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings, to continue such house sewer line, as a building sewer.
- B. No building sewer shall be covered until it has been inspected and approved by this Township and the Authority. If any part of a building sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to a sewer.
- C. Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.
- D. Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and other public property disturbed in the course of installation of a building sewer shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to this Township.
- E. If any person shall fail or refuse, upon receipt of a notice of this Township or the Authority, in writing, to remedy any unsatisfactory condition with respect to a building sewer, within 60 days of receipt of such notice, this Township or the Authority may refuse to permit such person to discharge sewage and industrial wastes into the sewer system until such unsatisfactory condition shall have been remedied to the satisfaction of this Township and the Authority.
- F. This Township reserves the right to adopt from time to time additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and the sewer system, which additional rules and regulations to the extent appropriate shall be construed as part of this article.
- G. Every connection made pursuant to the provisions of this article shall likewise be made in pursuance of the Township Plumbing Code.¹ The owner of the improved property upon which such connection is made shall be required to secure permits as required under such plumbing code (any notice under the provisions of this article shall not be construed to be a plumbing permit or compliance under the plumbing code with the requirements of a permit), and such work likewise shall be done in compliance with such plumbing code.

§ 166-14. Violations and penalties; enforcement. [Amended 10-21-1996 by Ord. No. 305]

1. Editor's Note: See Ch. 150, Plumbing.

- A. Any person who shall violate this article shall be liable to a fine of not more than \$1,000, together with costs of prosecution, including reasonable attorney's fees, in each case. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.
- B. Fines and costs imposed under provisions of this article shall be enforceable and recoverable in the manner at the time provided by applicable law.

ARTICLE III
Sewer Rents and Charges
[Adopted 3-1-1965 by Ord. No. 69]

§ 166-15. Definitions.

Unless the context specifically indicates otherwise, the meanings of terms used in this article shall be as follows:

AUTHORITY — The Municipal Sewer Authority of the Township of Lower Makefield, as well as the duly qualified and acting members of the Board thereof.

COMMERCIAL ESTABLISHMENT — Each structure or any portion thereof intended to be used wholly or in part for the purposes of carrying on a trade, business or profession or for social, amusement, religious, educational, charitable or public uses and which contains plumbing for kitchen, toilet or washing facilities. Hotels, motels, rooming houses, schools, hospitals, churches, institutions, public buildings, etc., shall be included in this definition.

DWELLING UNIT — A structure or dwelling intended to be occupied as a whole by one family or an apartment intended to be occupied by one family or any other one-family living unit.

INDUSTRIAL ESTABLISHMENT — Each structure intended to be used wholly or in part for the manufacturing, fabricating, processing, cleaning, laundering or assembly of any product, commodity or article or any other premises from which industrial waste as distinct from sanitary sewage is discharged.

INDUSTRIAL WASTE — Any solid, liquid or gaseous substance or waterborne wastes or form of energy rejected or escaping from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources, as distinct from sanitary sewage.

PERSON — Any individual, firm, company, association, society, corporation or group.

SANITARY SEWAGE — The normal water-carried household and toilet wastes from residences, business buildings, institutions, commercial and industrial establishments.

SEWER SYSTEM — All temporary and permanent facilities at any time and from time to time owned or leased or operated by the Township and used or usable for or in connection with the collection, treatment or disposal of sanitary sewage and acceptable industrial wastes.

TOWNSHIP — The Township of Lower Makefield, Bucks County, Pennsylvania, and the group of elected officials acting as the Board of Supervisors of the Township.

WATER SUPPLIER — The public agency or private company furnishing water service to the particular property connected to the sewer system.

§ 166-16. Connection required. [Amended 2-9-1976 by Ord. No. 103; 7-24-1978 by Ord. No. 127]

All owners of property shall connect their premises to the sewer system as and when the same may be available, upon notice to do so from the Township and in a manner approved by the Township.

§ 166-17. Sewer rentals. [Amended 4-1-1972 by Ord. No. 83; 2-9-1976 by Ord. No. 103; 3-27-1978 by Ord. No. 123; 10-23-1978 by Ord. No. 129; 5-12-1987 by Ord. No. 211; 1-20-1992 by Ord. No. 268; 10-21-1996 by Ord. No. 305]

- A. All owners of property in the Township connected to and from which sanitary sewage and/or acceptable industrial waste are discharged to the sewer system shall pay the Township sewer rentals as set forth in the Fee Schedule, adopted from time to time by resolution of the Board of Supervisors.²
- (1) Each dwelling unit in a twin-home, apartment, townhouse, duplex, condominium or any other residential living arrangement shall be classified and billed as a separate dwelling unit except if the building shall have one water meter, but no more than two dwelling units. If the building has one meter and no more than two dwelling units, then the charge for that building shall be as set forth in the Fee Schedule, adopted from time to time by resolution of the Board of Supervisors.³ Any room, group of rooms, house trailers, enclosures occupied or intended for occupancy as separate living quarters by a family or other group of persons living together or by a person living alone shall be classified and billed as a separate dwelling unit.
 - (2) The foregoing rate shall be determined by the water consumption as indicated on the water meter of each dwelling unit. In the event that a dwelling unit has no water meter, the occupants shall be charged at the rate set forth in the Fee Schedule, adopted from time to time by resolution of the Board of Supervisors,⁴ except for apartment complexes, which shall be charged in a different fashion. The occupant or owner of any dwelling unit without a water meter shall have the option to install a water meter on the well which supplies water to the dwelling unit. Said installation shall be for each dwelling unit and not for a building containing several dwelling units. The installation of any water meter shall be at the cost of the owner/occupant and shall be installed under the supervision of the Township of Lower Makefield.

2. Editor's Note: See Ch. A205, Fees.

3. Editor's Note: See Ch. A205, Fees.

4. Editor's Note: See Ch. A205, Fees.

- (3) The cost for service provided to dwellings with no water meter shall be as set forth in the Fee Schedule, adopted from time to time by resolution of the Board of Supervisors.⁵
- (4) In addition to the aforementioned costs, each dwelling unit shall be assessed a charge for minimum service in addition to the costs for consumption. Said charge shall be as set forth in the Fee Schedule, adopted from time to time by resolution of the Board of Supervisors.

B. Commercial and industrial establishments.

- (1) All owners of commercial and industrial establishments in the Township connected to the sewer system shall pay sewer rentals based upon actual water consumption, except as set forth in Subsections B(2) and (3) and Subsection C. Sewer rentals based upon water consumption shall be billed at the rate set forth in the Fee Schedule, adopted from time to time by resolution of the Board of Supervisors.⁶
- (2) Sewer rental billings, calculated under Subsection B(1) above, to industrial and commercial establishments discharging sanitary sewage and/or industrial waste into the sewer system, except as hereinafter set forth, shall be as set forth in the Fee Schedule, adopted from time to time by resolution of the Board of Supervisors, and shall be based upon the average number of persons employed per working day during the service period for which the billing is rendered. Minimum sewer rentals per employee shall be applicable to all industrial establishments and to all commercial establishments, except schools, churches, hospitals, charitable institutions, public buildings and firehouses. The total billing to industrial establishments and to all commercial establishments, except as aforesaid, for any billing period shall be not less than 50% of the maximum billing of any one of the three consecutive preceding billing periods.
- (3) All public, parochial and private schools shall have sewer rentals based upon water consumption which said sewer rentals shall be billed at the rate set forth in the Fee Schedule, adopted from time to time by resolution of the Board of Supervisors. Water consumption shall be as recorded on water meters from the public water system or at potable well heads. For school buildings without the aforementioned water meters, the sewer rental billing shall be as set forth in the Fee Schedule, adopted from time to time by resolution of the Board of Supervisors and shall be based upon the average number of pupils enrolled on days when the school was in session during the full school term immediately preceding the date of each bill rendered. Teachers and employees of the school shall

5. Editor's Note: See Ch. A205, Fees.

6. Editor's Note: See Ch A205, Fees.

be classified as pupils for sewer rental purposes and be designated "Average Daily Membership (ADM)."

- C. Surcharge for excess strength sewage and industrial waste.
- (1) Industrial establishments discharging domestic sewage and industrial wastes to the sewer system having an average five-day biochemical oxygen demand (BOD) greater than 200 parts per million (ppm) and a suspended solids content greater than 250 ppm shall pay a strength of waste surcharge, in addition to applicable volume charges, equal to 5/100 of 1% of the applicable volume charge for each part per million by which the BOD exceeds 200 ppm plus 5/100 of 1% of the applicable volume charge for each part per million by which the suspended solids exceeds 250 ppm. Surcharges shall be applicable to billings for sewer rentals under Subsections B(1), (2) and (3) above. The strength of sewage and industrial wastes to be used for establishing the amount of surcharge shall be determined at least once annually either:
 - (a) By suitable sampling and analyses of the wastes for a three-day period during which time the strength of waste discharged or production is at a maximum.
 - (b) By relating production and waste strength at the time of sampling to waste strength at maximum production if sampling is not performed at the time of maximum production.
 - (c) From estimates made by the Township.
 - (d) From known relationships of products produced to strengths of wastes for those industries where such factors have been established.
 - (2) In establishing waste strengths for surcharge purposes by analyses, analyses shall be made in accordance with procedures outlined in the latest edition of Standard Methods for Analysis of Water and Sewage, published by the American Public Health Association.

§ 166-18. Volume measurements; meters.

- A. The volume of water to be used for billing for commercial and industrial establishments shall include any and all water purchased from the water supplier and all water obtained from other sources (wells, springs, streams, etc.) as determined by:
- (1) Meters installed and maintained by the water supplier.
 - (2) Meters installed and maintained by the Township.
 - (3) Meters installed by the property owner as may be approved by the Township.

- (4) Estimates or measurements made by the Township where the Township deems metering impractical.
- B. Exclusion from the sewer system of noncontaminated wastewaters and waters used solely for cooling purposes may be required by the Township, or such exclusion may be optional with the property owner if not required by the Township. When such wastewaters are excluded, sewer rentals shall be based upon total water consumption, less water excluded, at the rates set forth under § 166-17B(1) above. Water excluded shall be determined from meters installed and maintained by the property owner as required and approved by the Township or the property owner may elect to measure waste volumes actually discharged to the sewer system as provided for below.
- C. The Township may require an industrial establishment or the industrial establishment may elect to install, pay for and maintain a meter approved by the Township for measuring wastewaters discharged to the sewer system in which case sewer rentals shall be based upon the actual volume of wastes so metered as being discharged to the sewer system. Said sewer rentals shall be computed at the rates set forth under § 166-17B(1).
- D. The volume of water to be used for billing for residential use shall include any and all water purchased from the water supplier and all water obtained from other sources (wells, springs, streams, etc.) except that there shall be excluded from the measurement of the volume of water those waters which do not flow into the sewer system. The exclusion of such waters shall be conditioned upon the installation of such meter or meters to measure the flow of water not actually discharged into the sewer system. Said meter or meters shall be installed at the option and at the sole cost of the residential user. The installation of the meter and the meter shall be approved by the Township prior to the actual installation. The installation request shall be accompanied by an application for a plumbing permit which shall include a sketch setting forth the plumbing plan and the placement of the meter. The Township shall periodically read the meter installed by the property owner for the purpose of making adjustments to the sewer charge based on that flow of water not entering into the sewer system as set forth in this provision. The property owner shall pay the Township of Lower Makefield an amount as set forth in the Fee Schedule, adopted from time to time by resolution of the Board of Supervisors,⁷ to defray the cost of the meter reading. **[Added 4-13-1981 by Ord. No. 151]**

§ 166-19. Maintenance of manholes by industrial establishments; inspection.

When directed by the Township, industrial establishments shall install, pay for and maintain a manhole and other devices as may be approved by the Township to facilitate observation, measurement and sampling of

7. Editor's Note: See Ch. A205, Fees.

wastes discharged to the sewer system. The Township or its duly authorized representatives shall, at all reasonable times, be permitted to enter upon any and all properties for the purpose of inspecting, observing, measuring and sampling wastes discharged to the sewer system. Any industrial establishment that desires to connect to the sewer system or which is connected to the sewer system and plans to change its operation so as to materially alter the characteristics and volumes of wastes discharged thereto shall notify the Township, in writing, at least 10 days before making such connection or changing its operations.

§ 166-20. Exclusion of harmful waste.

- A. The Township reserves the right to refuse permission to connect to the sewer system, to compel discontinuance of use of the sewer system or to compel pretreatment of industrial waste by any industrial establishment in order to prevent discharges deemed harmful or to have a deleterious effect upon any portion of the sewer system or upon the sewers and any treatment facilities or upon the processes of any sewage treatment. The discharge of roofwater, stormwater, surface drainage and building foundation drainage to the sewer system is expressly prohibited. No sanitary sewage and/or industrial waste shall be discharged to the sewer system which:
- (1) Has a temperature higher than 140° F.
 - (2) Contains more than 100 parts per million by weight of fats, oils and grease.
 - (3) Contains any gasoline, benzine, naphtha, fuel oil or other inflammable or explosive liquids, solids or gases.
 - (4) Contains any garbage which has not been ground by household-type or other suitable garbage grinders.
 - (5) Contains any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substances capable of causing obstructions or other interferences with proper operation of the sewer system or sewers and treatment facilities or upon the processes of sewage treatment.
 - (6) Has a pH lower than 6.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazards to structures, equipment or personnel of the sewer system.
 - (7) Contains toxic or poisonous substances in sufficient quantity to injure or interfere with any sewage treatment process, to constitute hazards to humans or animals or to create any hazard in waters which receive treated effluent from any sewage treatment plant. Toxic wastes shall include, but not by way of limitation, wastes containing cyanide, chromium, copper and nickel ions.

- (8) Contains noxious or malodorous gases or substances capable of creating a public nuisance.
 - (9) Contains solids of such character and quantity that special and unusual attention is required for their handling.
- B. Suitable pretreatment facilities shall be installed to meet the above requirements.

§ 166-21. Devices for equalizing waste flows.

The Township reserves the right to require industrial establishments having large variations in rates of waste discharge to install suitable regulating devices for equalizing waste flows to the sewer system.

§ 166-22. Access to meters.

The Township's representatives shall have access at all reasonable times to water and any other meters used for establishing or determining water consumption, water excluded from the sewer system and/or wastewaters discharged to the sewer system.

§ 166-23. Surcharges for excess strength sewage and industrial waste.

The Township reserves the right to impose surcharges for excess strength sewage and industrial waste as circumstances deem advisable.

§ 166-24. Payments of charges; billings.

- A. The tapping or connection fees shall be payable upon application for permit to make connection to the sewer system.
- B. Sewer rentals or charges shall be due and paid quarterly and quarterly billings for sewer rentals shall be made by bills dated on the first days of January, April, July and October of each year, for the quarterly calendar period immediately preceding the date of the bill. The bills for sewer rentals under § 166-17 for the first quarter during which a property is connected will be prorated on the basis of the quarterly rate. All bills shall be due and payable on their respective dates.

§ 166-25. Delinquent charges; penalty for nonpayment.

- A. Quarterly charges for sewer service shall be subject to a ten-percent penalty if not paid within 30 days after they are due. If quarterly charges for sewer service are not paid within 60 days after becoming due the bill therefore, in addition to the aforesaid ten-percent penalty, shall be subject to a one-percent penalty per month or fraction thereof until the date of payment. If not paid within 150 days after becoming due, the Township shall have the right to cut off sewer service from the delinquent premises and not to restore the same until all delinquent bills against the same and the cost of cutting off and restoring service

shall have been paid. **[Amended 2-9-1976 by Ord. No. 103; 1-20-1992 by Ord. No. 268]**

- B. All persons connected to the sewer system must give the Township their correct address. Failure to receive bills will not be considered an excuse for nonpayment nor permit an extension of the period during which bills are payable at face amount.
- C. Payments made, as evidenced by the United States Post Office mark, on or previous to the end of the period during which the bills are payable at face amount, will be deemed to be a payment within such period.
- D. All sewer rentals, together with all penalties thereon, not paid on or before the end of one year from the date of each bill shall be deemed to be delinquent. All delinquent sewer rentals and all penalties thereon shall be a lien on the property served and shall be entered as a lien against such property in the office of the Prothonotary of Bucks County and shall be collected in the manner provided by law for the filing and collection of such liens.
- E. If quarterly charges for sewer service are not paid within 60 days after becoming due, the Township shall have the right to request the water company to shut off water service to delinquent premises and not restore same until all overdue rentals, rates and charges, together with any interest and penalties assessed thereon are paid in full together with the cost of shutting off and restoring the water service to such premises. The cost of shutting off and restoring water service to such premises shall include, in addition to the customary charge that is set forth, the loss of revenue sustained by the water company resulting from the shutoff of water pursuant to this section. Prior to requesting the water company to terminate water service to a delinquent sewer account, the responsible officer of the Township shall: **[Added 4-13-1981 by Ord. No. 151]**
 - (1) Provide at least 10 days' written notice to the delinquent account of its intention to request the water company to shut off the supply of water to the delinquent account to the person liable for the payment of such rental and charges and the like.
 - (2) Post a written notice at the main entrance to the delinquent premises setting forth the Township's intention to request the water company to shut off the supply of water to such premises until such time as all rental and other charges shall have been paid in full.
- F. Upon the payment of all charges as set forth in this provision, the responsible Township officer shall see to it that service is returned to the delinquent premises without undue delay.

§ 166-26. Segregation of sewer revenues.

The funds received by the Township from the collection of the tapping or connection fees and from sewer rentals and all penalties thereon, as herein provided for, shall be segregated and kept separate and apart from all other funds of the Township and shall be used only for the purpose of defraying the expenses of the Township in the operation, maintenance, repair, alteration, inspection, depreciation or other expenses in relation to the sewer system and for such payments as the Township may be required to make under any lease or agreement it may enter into in connection with the financing of the sewer system or the treatment or transportation of sewage.

§ 166-27. Rules and regulations.

The Township reserves the right to, and may from time to time, adopt, revise, amend and readopt such rules and regulations as it deems necessary and proper for the use and operation of the sewer system, and all such rules and regulations shall be and become a part of this article.

§ 166-28. When effective; applicability.

- A. This article and any rules and regulations hereunder shall become effective at once and shall be applicable to all properties as soon as they respectively become connected with and have the right to use the sewer system. The Township reserves the right to make such changes therein from time to time as in its opinion may be desirable or beneficial and to amend this article or to change the rates or charges in such manner and at such times as in its opinion may be advisable.
- B. This article shall become effective upon enactment and shall apply to all properties presently connected to the sewer system and all properties to be connected.

§ 166-29. Prohibited discharges. [Added 4-1-1974 by Ord. No. 91]

- A. Surface water that has accumulated in or been drained into sump holes in basements, crawl spaces or other areas shall not be discharged into the sanitary sewer system. Such water shall be discharged onto lawns, open fields or into dry wells. Piping for the discharge of surface waters shall be by direct connection from the sump pump to the outside. Only rigid piping of the type approved by Chapter 150, Plumbing, shall be permitted.
 - (1) No other connections to this discharge piping shall be permitted and no valves except check valves shall be permitted.
 - (2) Discharge onto public roads or adjoining land belonging to others shall not be permitted.
- B. Wastewater from laundry (washing) machines or laundry tubs shall not be discharged into the sanitary sewer system.

- C. Swimming pool and backwash water shall not be discharged into the sanitary sewer system.
- D. No common drainage or piping systems involving interconnections between surface water sump pumps and laundry tubs or laundry (washing) machines shall be permitted. No down spouts, rain gutters, vents or surface drains shall be constructed in such a manner to permit water to be drained into the sanitary sewer system.

§ 166-30. Registration of sump pumps; installation. [Added 6-13-1983 by Ord. No. 169]

- A. The owners of all structures, whether residential, commercial or the like that are connected to the sanitary sewer system of Lower Makefield Township, shall on or before July 15, 1983, register with the Township of Lower Makefield the existence and use of all sump pumps located on their property. The Township Manager or his authorized representatives shall prepare the appropriate registration forms and there shall be no charge for registering the existence of any sump pumps as provided for in this article.
- B. All sump pumps which may have been installed in violation of this article, as amended by Ordinance No. 91, shall comply with the provisions of this article, as amended by Ordinance No. 91, on or before August 15, 1983. If a violation of this article, as amended by Ordinance No. 91, has occurred, no penalties shall be assessed because of that violation if the property owner complies with the provisions of this article, as amended by Ordinance No. 91, on or before August 15, 1983. Thereafter, any person who shall violate this article shall be subject to the penalties as set forth hereinafter.

§ 166-31. Inspections. [Amended 6-13-1983 by Ord. No. 169]

The Township of Lower Makefield or its duly authorized representatives shall at all reasonable times be permitted to enter upon any or all properties for the purpose of inspecting the system and connections, observing, measuring and sampling waste discharged into the sewer system and for the purpose of determining whether or not the property owner has in use a sump pump and whether or not the sump pump is installed in violation of this article.

§ 166-32. Violations and penalties. [Amended 6-13-1983 by Ord. No. 169; 10-21-1996 by Ord. No. 305]

Any person who shall violate a provision of this article or shall fail to comply with any of the requirements thereof shall be punishable by a fine of not more than \$1,000, plus costs of prosecution, including reasonable attorney's fees incurred by the Township. Each day that a violation continues shall be deemed a separate offense. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

ARTICLE IV

Extension of Existing Sewers

**[Adopted 7-12-1976 by Ord. No. 105; amended in its entirety
10-21-1996 by Ord. No. 305]**

§ 166-33. Adoption of controlling standards.

Extensions of the existing sanitary sewer system and connections thereto shall be controlled by the rules and regulations promulgated by Gannett Fleming Corddry and Carpenter, Inc., in a document entitled "Standard Construction and Material Specifications for Sanitary Sewer Extensions, Force Mains, Ejector and Pumping Stations," dated 1996. The aforesaid document is incorporated herein as though written out in its entirety and a copy of the same is attached to this article.⁸

8. Editor's Note: The document is on file in the Township offices.

ARTICLE V
Temporary Holding Tanks
[Adopted 8-1-2007 by Ord. No. 370]

§ 166-34. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACT — The Pennsylvania Sewage Facilities Act (35 P.S. § 750.1, et seq.)

HOLDING TANK or RETAINING TANK — A water-type receptacle, 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. The terms "holding tank" and "retaining tank" shall, for the purpose of this article, be interchangeable. The terms "holding tank" and "retaining tank," shall not, for purposes of this article, include a privy, chemical toilet, incinerating toilet, composting toilet or recycling toilet.

HOLDING TANK SECURITY AGREEMENT — An agreement between the permit holder and the Township whereby the permit holder guarantees the performance of all obligations of a permit holder under this article.

PERMIT — A valid sewage disposal system permit issued by the Bucks County Department of Health, after further review and approval by the Lower Makefield Township Board of Supervisors. **[Amended 10-20-2010 by Ord. No. 387]**

PERMIT HOLDER — A person who possesses a valid holding tank permit as issued by the Bucks County Department of Health, and after further review and approval by the Lower Makefield Township Board of Supervisors. **[Amended 10-20-2010 by Ord. No. 387]**

§ 166-35. Holding tanks; restrictions on use. [Amended 10-20-2010 by Ord. No. 387]

A holding tank may not be installed and/or used unless the property owner(s) possess(es) the valid sewage disposal system permit issued by the Bucks County Department of Health. The installation and/or use of any holding tank on any property within the Township is hereby prohibited except by the holder of a valid and current permit, a valid and current sewage disposal system permit issued by the Bucks County Department of Health and such use issued in conformity with the provisions of this article, the Bucks County Department of Health rules and regulations governing individual and community on-lot sewage disposal systems, applicable provisions of the Act and such other applicable statutes, regulations and plans, including, but not limited to, the Act 537 Plan of the Township of Lower Makefield. The use of temporary holding tanks in the Township may be permitted, subject to the following conditions, as follows:

- A. The permit holder shall connect to a public sewer once access becomes available and cease using the temporary holding tank within a period of

30 days after the permit holder has been approved to connect to a public sewer.

- B. The permit holder, upon cessation of use of the holding tank, is responsible for having the tank pumped out by a Bucks County Department of Health licensed sewage hauler and removal of the tank or, in the alternative, to insure that the tank is to be drained and backfilled with crushed stones or screening.
- C. A temporary holding tank under this article must comply with the applicable provisions of the Pennsylvania Code, including, but not limited to, Title 25, Environmental Protection; Chapter 72 and Chapter 73; § 73.62, Standards for holding tanks, (a), (b), (c) and (d); and Chapter 73, § 73.31, Standards for Septic Tanks, (b)(1).
- D. The Township may, in its discretion, require the permit holder to post a performance bond with the Township in an amount to be determined by the Township.
- E. The permit holder must execute a holding tank security agreement on a form approved by the Township whereby the permit holder assumes responsibility for the installation and maintenance of the proposed sewage generated thereby and ultimate removal/drainage/backfill of a temporary holding tank upon expiration of the applicable time period set forth in this article, with an indemnification agreement saving and holding the Township harmless from any and all liability and expenses, including legal fees, arising from the use of said facility or related to the sewage therefrom at any and all times and of every nature.

§ 166-36. Duties of improved property owner/permit holder.

The owner of an improved property in the Township that utilizes a temporary holding tank and every permit holder shall comply with the following:

- A. Maintain the holding tank in conformance with this article and the holding tank security agreement, and abide by the provisions of any applicable law, and the applicable regulations of any administrative agency of the Commonwealth of Pennsylvania and any applicable plan, including, but not limited to, the Act 537 Plan of the Township of Lower Makefield.
- B. Permit the Township or its designated agent to inspect holding tanks at any reasonable time to insure that the facility is properly maintained and functioning.
- C. Retain pumping receipts and maintenance records from the holding tank to be produced for the Township upon the Township's request.
- D. Permit only the property owner or a person lawfully occupying the premises designated in the permit to use the holding tank facility or deposit sewage therein.

- E. Holding tanks must be pumped out solely by a Bucks County Department of Health licensed sewage hauler and removed or backfilled with crushed stone or screening.

§ 166-37. Township permit requirement.

No holding tank shall be used or installed on any property in the Township unless or until a permit therefor has been issued in accordance with the provisions of this article.

- A. A permit may be issued only when the proposed site and proposed holding tank conform to the use restrictions in § 166-35.
- B. A person requesting a permit for a holding tank shall submit a written application, on a form provided by the Township, together with such fee as is established by resolution of the Board of Supervisors.
- C. If the Township determines that an initial application is incomplete or is unable to verify the information contained therein, the Township shall notify the applicant in writing within seven days of receipt of the application. The notice shall include the reasons why the application is not acceptable. When the required information is received, the Township shall act upon the application within 15 days of such receipt.
- D. The application for a permit shall include and be accompanied by the following:
 - (1) A detailed statement of reasons the temporary holding tank is requested;
 - (2) A plan at a proposed site detailing the location of the placement of the temporary holding tank;
 - (3) A notarized statement from an entity or an agency licensed or approved by the Department of Environmental Protection for sewage disposal confirming without reservation that said entity or agency shall accept sewage from the proposed facility during the entire period of use thereof;
 - (4) A copy of a valid sewage disposal system permit issued by the Bucks County Department of Health; and
 - (5) A security agreement on a form approved by the Township, whereby the applicant assumes responsibility for the installation and maintenance of the proposed facility and the pumping, hauling and ultimate disposal of the sewage generated thereby and ultimate removal of a temporary holding tank upon expiration of the permit with an indemnification agreement saving and holding the Township harmless from any and all liability and expenses, including legal fees, arising from the use of the said facility or related to the sewage therefrom at any and all time and of every nature.

- E. A permit shall be required for alterations or connections to an existing holding tank when the alteration or connection requires the repair, replacement or enlargement of a holding 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, as described in Title 25 of the Pennsylvania Administrative Code or any other applicable statute or regulation.
- F. In addition, the applicant shall comply with all provisions of §§ 166-35 and 166-36 and all applicable laws, and the regulations of any administrative agency of the Commonwealth of Pennsylvania.

§ 166-38. Issuance of permits; conditions and safeguards.

- A. The Board of Supervisors, or its designated agent, may issue a permit upon determining that the application is complete, that the applicant has satisfied all requirements of this article and that the proposed holding tank will not create a nuisance or a threat to the health and welfare and the community and the public.
- B. The Board of Supervisors, or its designated agent, may impose such reasonable conditions and safeguards upon the permit as are necessary to protect the public interest.
- C. The Township shall issue or deny the required permit in writing within seven days from the date the complete application and all supporting documentation is received.
- D. Failure to act on an application shall not be deemed an approval thereof. If the Township fails to act upon an application within seven days of receipt, or within 15 days of receipt of supplemental information under § 166-37C, the applicant may request a hearing before the Board of Supervisors.
- E. The Township will not issue a building permit or occupancy permit for a building structure that will utilize a temporary holding tank until the application, design and construction of the tank are approved by the Bucks County Department of Health and it has issued an Act 537 permit for such system. **[Amended 10-20-2010 by Ord. No. 387]**

§ 166-39. Denial of permit.

In the event an application is denied, written notice of denial setting forth the reasons for said action shall be mailed to the applicant not later than seven days following the date of said denial. The Township shall provide the required notice to such other state and local entities and departments as are required by applicable law and regulation.

§ 166-40. Restriction on permit transfer.

A permit issued pursuant to this article shall not be transferred. A transfer or attempted transfer of any permit, or any interest therein, shall constitute a default under the holding tank security agreement and a violation subject to the hereinafter stated penalties.

§ 166-41. Inspection/receipts.

As set forth under Title 25, § 71.63, of the Pennsylvania Code, there shall be an annual inspection of the temporary holding tank and said inspection shall generate a written inspection report. The Township is to receive, review and retain all pumping receipts from permitted holding tanks.

§ 166-42. Violations and penalties.

- A. Any person who violates any provision of this article shall, upon conviction thereof by summary proceedings before a Magisterial District Judge, be sentenced to pay a fine of not less than \$1,000, plus all court costs, including reasonable attorneys' fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of determination of violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues of each section of this article shall constitute a separate offense.
- B. In addition, the Township, upon violation of a provision of this article or default under a security agreement or performance bond hereunder, shall, after five days', written notice is mailed to the address of the property owner as stated in the permit or application, have the following rights and recourse:
- (1) The Township shall have the right to revoke any permit issued hereunder and institute any and all appropriate legal action to restrain and prevent further use of the facility.
 - (2) The Township, or its designated agent or agents, shall have the right to enter upon the premises of the property owner and take such remedial action as is necessary to maintain the system or prevent a nuisance or health hazard, including the disconnection of the system, pumping thereof, and hauling and disposal of the sewage therefrom.
 - (3) The Township shall have the right to impose upon the property owner or permit holder all costs, fees and expenses, including reasonable legal fees incurred as a result of a remedial action, enforcement proceeding or litigation required or occasioned by any default, and to institute any and all lawful proceedings in any court, including actions for damages and costs, and equitable or

injunctive relief, including restraint of further use and occupancy of the premises.

- (4) The Township shall, in addition, have the right to enter a lien upon the property owner or permit holder in the Office of the Prothonotary or Recorder or Deeds in an amount equal to the costs and expenses incurred as a result of any default or violation. Upon the owner's failure to satisfy said lien, the Township shall have the right to enforce the same by execution sale or foreclosure.

§ 166-43. Abatement of nuisances.

In addition to any other remedies provided in this article, any violation of § 166-38 shall constitute a nuisance and shall be abated by the Township by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

§ 166-44. Temporary use.

The use of the retaining tanks is temporary and the validity of the permit, as provided in this agreement, shall not exceed the period of 30 days after the applicant has been approved to connect to a public sewer. The applicant or the permit holder is responsible for removing said holding tank from the ground upon expiration of the permit. Extensions of permits will be granted by the discretion of the Township for good cause only.

§ 166-45. Revocation of permit.

- A. A permit shall be revoked by the Township at any time for one or more of the following reasons:
 - (1) When a change has occurred in the physical conditions of lands which will materially affect the operation of a holding tank covered by a permit issued by the Township under this article;
 - (2) When one or more tests material to the issuance of the permit has not been properly conducted;
 - (3) When information relevant to the issuance of the permit has been falsified;
 - (4) When the original decision of the Township otherwise failed to conform with the Act and this article; and/or
 - (5) When the permit holder has violated the Act, this article or the requirements of the permit.
- B. The notice of revocation of a permit shall be in writing to the permit holder and shall include the reasons for revocation, notice of the permit holder's opportunity to request a hearing before the Township within 10 days of receipt of the revocation notice, and notice that no further construction or use of either the holding tank or the structure for which

it is intended may take place until a new permit is issued or the revocation is reversed by the Township.

- C. If a permit holder fails to file a written request for a hearing under this article within 10 days after receipt of notice of revocation, revocation shall be final.

§ 166-46. Repeal.

This article constitutes the exclusive basis whereby temporary holding tanks may be utilized within Lower Makefield Township. All other ordinances, resolutions or parts of ordinances or resolutions, insofar as they are inconsistent herewith, or purport to authorize the use of holding tanks except as herein provided, are hereby repealed.

§ 166-47. Severability.

If any sentence, clause, section or part of this article is for any reason found by a court of competent jurisdiction 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 article. It is hereby declared as the intent of the Board of Supervisors of Lower Makefield Township that this article would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included therein.