

ORDINANCE NO. 106

**AN ORDINANCE OF THE TOWNSHIP OF HAYCOCK, BUCKS COUNTY,
PENNSYLVANIA AMENDING SECTION 520 OF THE SUBDIVISION AND LAND
DEVELOPMENT ORDINANCE OF HAYCOCK TOWNSHIP TO REQUIRE ON-LOT
SEWAGE SYSTEMS REPLACEMENT AREAS FOR LOTS TO BE CREATED**

A. Whereas, by Ordinance No. 86, enacted August 7, 2000, as amended, Haycock Township Board of Supervisors ("Board") has enacted a Subdivision and Land Development Ordinance ("SALDO") pursuant to its statutory authority, the Pennsylvania Municipalities Planning Code ("MPC"), Act 247 of 1968, as amended (53 P.S. §10101 et seq.);

B. Whereas, the failure of the primary sewage disposal area of an on-lot sewer system presents a significant threat to human health; and through careful study, the Board, with the assistance of its committees, recognizes the benefit of requiring areas designated for replacement on-lot sewage disposal systems for newly created lots and land developments with primary on-lot sewage disposal systems;

C. Whereas, disregard of potential areas that could otherwise provide suitable replacement site for on-lot sewage systems could allow disturbance of soils that would render them unsuitable; and the Board also recognizes that by requiring dedicated areas on each newly created lot or land development for both the primary and replacement systems, each property will have sufficient area to accommodate both the sewage disposal systems and the proposed use;

D. Whereas, the requirement for and protection of replacement locations provide minimum standards for the prevention and suppression of disease and health risks associated with the use of private sewage disposal systems and to otherwise promote continuing public safety, maintain the present and future welfare of residents of Haycock Township, and protection of the environment; and

E. Whereas, the proposed amendment has been advertised, considered and reviewed in accordance with MPC Section 505 and 506 (53 P.S. §10505 and 10506).

NOW, THEREFORE, it is hereby **ENACTED** and **ORDAINED** by the Board of Supervisors of Haycock Township and by authority of same as follows:

Section 01: A new subsection 9 is added to Section 520, of the SALDO, and shall read in full as follows:

9. Replacement area for on-lot sewage system.

A. Replacement Location Required. A replacement area for the on-lot sewage system shall be required for all lots to be created that are not

serviced or intended to be serviced by public sewers. Where a proposed subdivision includes existing houses, replacement areas must be provided for those houses in addition to all other proposed lots in accordance with the provisions of this ordinance. A minimum isolation distance of twenty (20) feet shall be established between any and all absorption areas of on-lot sewage systems and any and all proposed replacement on-lot sewage system absorption areas. However, if the replacement system is to be located down gradient of the primary system, the minimum isolation distance between the primary system absorption area and the replacement system absorption area shall be fifty (50) feet.

Should Pennsylvania Department of Environmental Protection (DEP) or its designated agencies establish isolation distances greater than those established herein by the Township, then DEP's requirements shall supersede said Township requirements and DEP's minimum isolation distance shall be complied with.

- B. Replacement System. The proposed lot must have sufficient suitable area for the proposed initial sewage disposal system, as well as 100% reserve replacement area. The replacement area shall be in an appropriate location, and sized to allow the installation of an approved sewage disposal area in the event of malfunction of the initial system. Minimum size of the replacement area must equal, or be greater than, the size of the initial system. If the size of the initial system is increased in the future to accommodate additional sewer flows, documentation must be submitted to the Township to verify that the size of the replacement area is sufficient to equal, or exceed, the capacity of the modified initial system. The area shall be protected and reserved for future use as an absorption area with similar design and configuration as the initial system so the reserve area may be utilized for repair or replacement. This replacement area must meet the criteria required by DEP regulations and local ordinances, be tested, and receive soil suitability approval by the Bucks County Department of Health. A holding tank, small flow treatment facility, or other non land application method shall not be designated as a replacement system.
- C. Replacement Area Disturbance Prohibited. Areas reserved for the original and replacement disposal sites may not have driveways, parking areas or structures over them. A Declaration of Restrictions shall be recorded in the Office of the Bucks County Recorder of Deeds stating that the replacement area shall not be graded or disturbed, that no permanent or temporary improvements of any character shall be constructed thereon, and that no plant material shall be established within the replacement area other than shallow-rooted plant matter. A plan depicting the replacement area shall be recorded with the Declaration of Restrictions. If the lot for which the replacement area is required is part of a new subdivision, the

Record Plan shall bear a note stating the restrictions recited above and identifying the lot to which they pertain.

- D. Substitution of an Alternate Area. Any person who desires to construct improvements within the replacement area shall demonstrate to the satisfaction of the Bucks County Department of Health and Haycock Township that an alternate replacement location, which complies with all Township and Department of Environmental Protection rules and regulations, exists upon the lot. If such an alternate replacement location shall be identified, the alternate replacement location may be considered to be the replacement location required by this ordinance and shall be designated as the replacement location. A Declaration of Restrictions shall be executed by the parties and shall be recorded in the Office of the Recorder of Deeds Office designating the new replacement area location and vacating the old one.

Section 02: In addition, all inconsistent provisions of other ordinances or resolutions are repealed to the extent of the inconsistency. All other provisions of the ordinances of Haycock Township shall remain in full force and effect.

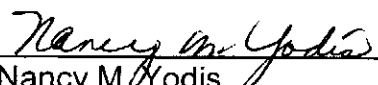
Section 03: The provisions of this ordinance are declared to be severable. If any provision of this ordinance is declared to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall have no effect on the remaining provisions of this ordinance.

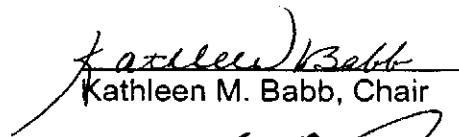
Section 04: Effective Date. This Ordinance shall take effect five (5) days after enactment.

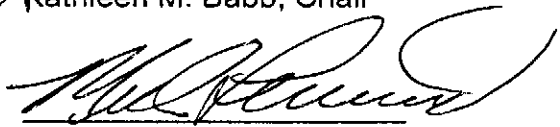
ENACTED and ORDAINED this 6 day of August 2007


ATTEST:

BOARD OF SUPERVISORS OF
HAYCOCK TOWNSHIP


Nancy M. Nodis
Township Secretary


Kathleen M. Babb, Chair


Michael Lennard, Vice Chair


Henry Depue, Member