

FRIENDSVILLE BOROUGH
SUSQUEHANNA COUNTY, PENNSYLVANIA

ORDINANCE NO. 2007-05

AN ORDINANCE RELATING TO THE CREATION OF
MAINTENANCE AGREEMENTS BETWEEN THE
BOROUGH AND PROPERTY OWNERS WHERE
FOR CERTAIN SEWAGE TREATMENT SYSTEMS WITH
ESTIMATED SEWAGE FLOWS OF 800 GALLON PER DAY OR LESS

Whereas, the Borough Code, Act of February 1, 1966, (1965 P.L. 1656, No. 581) as amended, provides boroughs with the authority and power to promote and protect the public safety and health of the citizens, as well as prohibit nuisances within the borough, and

Whereas, the Pennsylvania Sewage Facilities Act, 35 Pa. C.S. § 750.1 *et seq.*,
FRIENDSVILLE Borough is responsible for the enforcement of the
Sewage Facilities Act, and

Whereas, FRIENDSVILLE Borough has duly enacted an ordinance or made an appropriate resolution to join the Susquehanna County Council of Governments Sewage Committee, and to delegate to said entity all of FRIENDSVILLE Borough's duties, responsibilities and powers under the Sewage Facilities Act, as well as any regulations promulgated thereunder, and

Whereas, the Susquehanna County Council of Governments enters into maintenance agreements with property owners for the construction and maintenance of certain septic systems, and desires to continue to do so, and

Whereas, the Pennsylvania Code, 25 Pa. Code § 71.72, empowers a municipality to enact an Ordinance authorizing maintenance agreements between the municipality (or its designee) and a property owner, and

Whereas, it is the intention of FRIENDSVILLE Borough to empower Susquehanna County Council of Governments Sewage Committee to continue to operate, maintain and administer maintenance agreements with property owners in the Borough with whom the Susquehanna County Council of Governments Sewage Committee deems it appropriate; ✓

Now, therefore, Be It Ordained by the Council of FRIENDSVILLE Borough, County of Susquehanna, Commonwealth of Pennsylvania, and it is hereby ordained as follows:

1. **Susquehanna County Council of Governments Sewage Committee.**
FRIENDSVILLE Borough hereby designates the Susquehanna County Council of Governments Sewage Committee as its agent under the Sewage Facilities Act, as well as all regulations promulgated thereunder, and hereby delegates to the Susquehanna County Council of Governments Sewage Committee, any and all powers, duties and responsibilities of the

Borough under the Sewage Facilities Act, as well as the regulations promulgated thereunder.

2. **Maintenance Agreement.** Where the Susquehanna County Council of Governments Sewage Committee deems it appropriate and necessary, in the case of the installation of a new on-lot septic system, or upon the repair and/or maintenance of any existing on-lot septic system, any property owner within FRIENDSVILLE Borough shall be required to execute and maintain a maintenance agreement between the property owners and the Susquehanna County Council of Governments Sewage Committee, including any escrow of funds deemed necessary and appropriate by the Susquehanna County Council of Governments Sewage Committee.
3. **Content of Maintenance Agreements.** Susquehanna County Council of Governments Sewage Committee and the borough shall have the power and discretion to determine the content and requirements of any and all maintenance agreements executed under this ordinance.
4. **Escrowed Funds.** In the event of any requirement for escrowed funds under the maintenance agreement, it shall be the responsibility of the Susquehanna County Council of Governments Sewage Committee to maintain an appropriate account for said funds, and to comply with any and all auditing and reporting requirements associated with said accounts.
5. **Withdrawal from Susquehanna County Council of Governments Sewage Committee.** In the event that FRIENDSVILLE Borough withdraws from the Susquehanna County Council of Governments Sewage Committee, the Borough shall assume full responsibility and control for any maintenance agreements, as well as any escrowed funds, that exist as of the date of the Borough's withdrawal from the Susquehanna County Council of Governments Sewage Committee.
6. **Effective Date.** This Ordinance shall become effective five (5) days after enactment.

Ordained and Enacted as an Ordinance of FRIENDSVILLE Borough,
Susquehanna County, Pennsylvania, this 4th day of SEPTEMBER, 2007.

Attest:

Gary W. Hardy
Secretary

FRIENDSVILLE Borough
Council

Dale Yahn
President

Jim 2 Dwyer

Stanley T. Melulder