

Middletown TOWNSHIP
SUSQUEHANNA COUNTY, PENNSYLVANIA

ORDINANCE NO. 01-02-2007-C

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

Whereas, the Second Class Township Code, Act of May 1, 1933, (P.L. 103, No. 69) as codified in 53 P.S. § 66501 *et seq.*, as amended, provides townships of the second class with the authority and power to promote and protect the public safety and health of the citizens, as well as prohibit nuisances within the township, and

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

Whereas, Middletown Township 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 Middletown Township'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 Middletown Township to empower Susquehanna County Council of Governments Sewage Committee to continue to operate, maintain and administer maintenance agreements with property owners in the Township with whom the Susquehanna County Council of Governments Sewage Committee deems it appropriate;

Now, therefore, Be It Ordained by the Supervisors of Middletown Township, County of Susquehanna, Commonwealth of Pennsylvania, and it is hereby ordained as follows:

1. **Susquehanna County Council of Governments Sewage Committee.**
Middletown Township 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

Township 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 Middletown Township 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 shall have sole 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 Middletown Township withdraws from the Susquehanna County Council of Governments Sewage Committee, the Township shall assume full responsibility and control for any maintenance agreements, as well as any escrowed funds, that exist as of the date of the Township'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 Middletown Township, Susquehanna County, Pennsylvania, this 2nd day of January, 2007.

Attest:

Mary K. Long
Secretary

Middletown Township
Board of Supervisors

[Signature]
Chairman

[Signature]
Supervisor

[Signature]
Supervisor

[Signature]
Supervisor

[Signature]
Supervisor