

TOWNSHIP OF HERRICK

ORDINANCE NO. 35

AN ORDINANCE OF THE TOWNSHIP OF HERRICK, SUSQUEHANNA COUNTY, PENNSYLVANIA, PROVIDING FOR THE ENTERING INTO INTERGOVERNMENTAL COOPERATION WITH OTHER MUNICIPALITIES OF SUSQUEHANNA COUNTY TO ESTABLISH AND MAINTAIN THE **SUSQUEHANNA COUNTY COUNCIL OF GOVERNMENTS SEWAGE ENFORCEMENT COMMITTEE** TO PERFORM AND ENFORCE THE PROVISIONS OF THE PENNSYLVANIA SEWAGE FACILITIES ACT OF JANUARY 24, 1966, P.L. 1535, ACT NO. 537, AS AMENDED, IN THE TOWNSHIP OF HERRICK PROVIDING FOR THE APPOINTMENT OF A REPRESENTATIVE OF SAID MUNICIPALITY TO SERVE AS A MEMBER OF SAID COMMITTEE, PROVIDING FOR THE ADOPTION OF A PERMIT FEE SCHEDULE AND COLLECTION OF SAME BY THE COMMITTEE, AND AUTHORIZING SAID COMMITTEE TO ESTABLISH AN APPEAL BOARD IN ACCORDANCE WITH THE PROVISIONS OF SAID SEWAGE FACILITIES ACT.

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania adopted, and the Governor of said Commonwealth approved, under date of January 24, 1966, P.L. 1535, Act No 537, known as the Pennsylvania Sewage Facilities Act, as subsequently amended, is referred to hereinafter as the "ACT"; and

WHEREAS, said Act provides that no person shall install an individual or community sewage disposal system or construct any building in which an individual or community sewage disposal system is to be installed, without first obtaining a Permit to do so; and

WHEREAS, in order for this municipality to accept applications for and to issue permits indicating that the site and the plans and specifications of proposed systems are in compliance with the provisions of the Act aforesaid and the regulations adopted thereunder, it will be necessary that a certified inspector or inspectors be appointed to make inquiry into and in connection therewith; and

WHEREAS, it is the opinion of this municipality, as well as that of the Pennsylvania Department of Environmental Protection, that the most efficient and economical method of receiving such applications, making such inspections, and issuing such permits is on an intermunicipal basis; and

WHEREAS, the Susquehanna County Council of Governments Sewage Enforcement Committee hereinafter referred to as the "COMMITTEE" has indicated its willingness to accept applications for permits, to collect the fees applicable to the processing of the same, to make the required inquiry and investigations, and to issue and/or deny or revoke permits within the various municipalities of the County of Susquehanna, who have become a member of or subscribers to said Committee, all pursuant to the requirements of the Act aforesaid, and

WHEREAS, The Committee is composed of one elected official or other designated representative from each of the participating municipalities within the County, with said Committee being vested with the power and authority, as an agent of, for and on behalf of such participating municipalities, to provide a staff for processing applications and permits under the Act, to collect the fees applicable to the processing of the same, to make the required inspections, to administer the financial aspects of the program and to issue permits or deny or revoke the same, and

WHEREAS, the said Act provides for certain procedures for Appeal in the event of the denial of an application for a permit, which appeal procedure would have to be created by the Committee consistent with said Act;

NOW, THEREFORE, BE IT ORDAINED, AND IT IS HEREBY ORDAINED AND ENACTED that the Supervisors of the Township of HERRICK, Susquehanna County, Commonwealth of Pennsylvania, hereby direct, authorize, and empower the Committee to do the following :

SECTION ONE

That pursuant to the provisions of the Intergovernmental Cooperation Law, Act 180, approved July 12, 1972, the **TOWNSHIP OF HERRICK** (hereinafter referred to as the "Municipality" shall and does hereby enter into and adopt an Agreement of Cooperation (hereinafter, Agreement) with such other municipalities of Susquehanna County as may ordain to do so, providing for the establishment and maintenance of a joint local agency as authorized by Section 8 of the Sewage Facilities Act, Act No. 53 7, January 24, 1966, P.L. (I 965), (hereinafter "Act") to be known as the **SUSQUEHANNA COUNTY COUNCIL OF GOVERNMENTS/ SEWAGE ENFORCEMENT COMMITTEE** hereinafter, "Committee").

SECTION TWO

That the Agreement shall provide:

- A. For the delegating and transferring to the Committee of all functions, powers, and/or responsibilities of the Municipality, as provided for by the Act, as amended or hereafter amended which shall include, but not limited to, the following:
1. Accept applications for, make the required inspections and issue, deny and/or revoke permits pursuant to the requirements of the Act aforesaid, for and on behalf of this municipality.
 2. Setting fee schedules for processing permit applications and issuing permits; to adopt and revise from time to time a permit fee schedule and to collect the permits fees in accordance therewith on behalf of this municipality, to be used to underwrite the cost of administration of this program, this municipality further agreeing to assign annually its rights to the Committee to all reimbursements, appropriations or grants to which this municipality might be entitled under this program, in accordance with applicable regulations of the Department of Environmental Protection, or other State or Federal agency.

3. Appointing and/or employing certified sewage enforcement officers and such other employees or personnel on behalf of this municipality, as may be necessary, to make the required inspections within the said municipality, and to receive applications for and to issue in the name of said municipality, permits as provided for by said Act, or to deny and/or revoke the same, and determining the amount and method of compensation for such personnel.
 4. Applying for and receiving reimbursement from the Pennsylvania Department of Environmental Protection.
 5. Establishing all necessary provisions and procedures for issuance of permits, collection of fees, enforcement of the Act and the Rules and Regulations promulgated pursuant thereto, prosecution of violations, hearing appeals from decisions of the sewage enforcement officers, and appearing as a party respondent to appeals taken from the decision of the local agency pursuant to the Local Act.
 6. Adopting rules and regulations and procedures not inconsistent with the Sewage Facilities Act or the Rules and Regulations promulgated pursuant thereto, which the Agency deems necessary and proper to the effective administration of the Act and to the effective execution of the powers, duties, and responsibilities granted by the Act, the Ordinances of participating municipalities and the Agreement of Cooperation.
 7. To require and collect an annual fee from this municipality and all participating municipalities for membership in the Susquehanna County Council of Government as established by said Council of Governments in accordance with their By-Laws as a condition of participation in the aforesaid Sewage Enforcement Committee and the conduct of the responsibilities herein contained in this Ordinance by the Committee.
- B That the purposes and objectives of the Agreement are to create a local agency which will equally administer and enforce the provisions of the Act within each municipality that is a part of and included within the jurisdiction of the Agency created.
- C. That the manner and extent of financing the activities of the Agency shall be determined by the Agency which will annually, before preparation of budgets of participating municipalities, specify the amount of funds, if any, that will be needed from each member municipality to finance any costs not covered by fees and reimbursement, which amounts shall be approved by each member municipality. The Agency shall attempt as nearly as is feasible, to limit its expenditures to income received from fees and reimbursements.

- D. That the organizational structure of the Agency shall include, but not limited to, a governing body composed of one (1) elected official or other designated representative from each participating municipality to be chosen on an annual basis by each participating municipality.
- E. For the manner in which property, real or personal, shall be acquired, managed or disposed of, including provision that upon complete termination of the Agency's existence, its remaining assets shall be equally reimbursed to the participating municipalities existing at such time.
- F. That the Agency shall serve only those municipalities participating therein.
- G. That non-member municipalities in the County of Susquehanna may become participating members of the Agency by proper Ordinance adopting the Agreement.
- H. That the Agreement of Cooperation as herein contained in Section II of this Ordinance may be amended by a two-thirds vote of all Committee members or terminated by Ordinance of all participating members. All amendments duly passed by a two-thirds vote of the full Committee must be adopted by Ordinance of each of the participating municipalities within 90 days of the said action by the Committee; failure on the part of a participating municipality to act within 90 days to amend said Articles of Cooperation shall be deemed as termination of that municipality's participation and membership in the Susquehanna County Council of Governments Sewage Enforcement Committee and the actions, decisions and conduct of the Committee.

AND BE IT FURTHER ENACTED AND ORDAINED, that the said municipality, in furtherance of the implementation of this intermunicipal program, shall hereby name, constitute, and appoint annually, one elected official or other designated representative of said municipality, to serve as a member of the Committee, said appointment to continue in full force and effect until such time as said municipality withdraws from the program, or until such time as said municipality appoints a successor representative by official action at a regularly scheduled meeting of the municipality.

AND IT IS FURTHER ENACTED AND ORDAINED that the Township Supervisors of the Township of HERRICK hereby direct, authorize, and empower the Committee to establish a process of Appeal, including the appointment of members thereto as necessary, to conduct hearings in the event of the denial or revocation of any permit, in accordance with the provisions of the Act, for and on behalf of this municipality.

SECTION THREE

All prior Ordinances or parts thereof inconsistent with the provisions of this Ordinance, the Agreement entered into pursuant hereto, or requirements legally adopted by the Agency, are hereby repealed.

SECTION FOUR

Any person who shall violate or fail to comply with any rule or regulation adopted by the Agency pursuant to the powers delegated in Section Two hereof, shall be guilty of a summary offense and shall be subjected to the same fines and penalties as are provided for in Section 13 of the Act.

SECTION FIVE

Any portion of this Ordinance that may subsequently be determined to be invalid shall not affect the remaining portions thereof, it being the intent of the Municipality to have enacted such remaining portion without regard to the portion declared invalid.

ORDAINED AND ENACTED this 7th day of April 2008.

BOARD OF SUPERVISORS
TOWNSHIP OF HERRICK

B. Ellis + R. ...
Chairman

ATTEST:

Nancy Hawatire
Secretary

Dan ...
Nancy Hawatire

CERTIFICATION OF ADOPTION

I hereby certify the foregoing to be an exact copy of Ordinance # 35 adopted by
Herrick Township Board of Supervisors at a regular meeting held on

April 7 2008.

SEAL

Nancy Hawatire
Secretary