

EDWIN A. GLOVER

ATTORNEY AT LAW
KNOXVILLE, PA. 16928
ELKLAND, PA. 16920

December 14, 1976

Madeline Smith, Secretary
Township of Farmington
Tioga, Pennsylvania 16946
R. D.

Dear Madeline,

Bernard Stratton has informed me that the Board of Supervisors has decided to enact an on-lot sewage ordinance similar to the Township of Deerfield. Accordingly, I have drafted and enclose an original and two copies of this form of ordinance. It may be acted upon at the January meeting of the Supervisors without further advertising. Please return one certified copy to me for filing after the ordinance is adopted.

Sincerely yours,



Edwin A. Glover

EAG/slm

Encls.

the Sewage

OF THE (TOWNSHIP) OF
 TIOGA COUNTY, PENNSYLVANIA,
 INTO INTER-GOVERNMENTAL COOPERATION WITH OTHER
 MUNICIPALITIES OF TIOGA COUNTY, TO ESTABLISH AND MAINTAIN
 THE COMMITTEE ON SANITATION OF TIOGA COUNTY, TO PERFORM
 AND ENFORCE THE REQUIREMENTS OF THE PENNSYLVANIA SEWAGE
 FACILITIES ACT.

Whereas it is hereby given that the undersigned Townships intend to adopt
 the following Ordinances at their regular meeting of the Township to
 be held on the date, time and place as specified after each Township.

Township	Date	Time	Place
Clymer	12-6-76	8:00 P.M.	Secretary's Residence
Ferdinington	12-6-76	8:00 P.M.	Township Building

AN ORDINANCE OF THE (TOWNSHIP) (BOROUGH) OF
 TIOGA COUNTY, PENNSYLVANIA,
 PROVIDING FOR THE ENTERING
 INTO INTER-GOVERNMENTAL CO-
 OPERATION WITH OTHER MUNICI-
 PALITIES OF TIOGA COUNTY TO
 ESTABLISH AND MAINTAIN THE
 COMMITTEE ON SANITATION FOR
 TIOGA COUNTY TO PERFORM AND
 ENFORCE THE REQUIREMENTS OF
 THE PENNSYLVANIA SEWAGE FA-
 CILITIES ACT.

BE IT ORDAINED, AND IT IS
 HEREBY ORDAINED AND ENACTED
 BY the (Township) (Borough) of
 as follows:

Section 1. That, pursuant to the pro-
 visions of the Intergovernmental Co-
 operation Law (Act 180, approved July
 12, 1972, the (Township) (Borough) of
 (hereinafter re-
 ferred to as the Municipality, shall
 and does hereby enter into and adopt
 an Agreement of Cooperation (herein-
 after "Agreement") with such other
 municipalities of Tioga County as may
 desire to do so, providing for the
 establishment and maintenance of a
 (local) agency as authorized by
 Section 8 of the Sewage Facilities Act,
 Act No. 337, January 24, 1966, P.L.
 (1966), hereinafter "Act") to be known
 as the Committee on Sanitation for
 Tioga County (hereinafter "Agency").

Section 2. That the Agreement shall
 provide, inter alia:

(A) For the delegating and trans-
 ferring to the Committee on Sanita-
 tion for Tioga County 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 be limited
 to, the following:

(1) Setting fee schedules for pro-
 cessing permit applications and issuing
 permits.

(2) Employing certified sewage en-
 forcement officers and such other em-
 ployees or personnel, as may be neces-
 sary, and determining the amount and
 method of compensation for them.

(3) Applying for and receiving re-
 compensation for the Pennsylvania De-
 partment of Environmental Resources.

(4) Establishing all necessary provi-
 sions and procedures for issuance of
 permits, collection of fees, enforcement
 of the Act and the Rules and Regu-
 lations promulgated pursuant thereto,
 prosecution of violations, hearing ap-
 peals 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 Agency Law.

(5) Adopting rules and regulations
 and procedures not inconsistent with
 the Sewage Facilities Act or the Rules
 and Regulations promulgated pursuant
 thereto and the Ordinances of the par-
 ticipating Municipalities, 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.

(6) Exercising all the powers and
 duties delegated to local agencies by
 Sections 7 and 8 of the Act.

(B) That the purposes and objectives
 of the Agreement are to create a
 local agency which will equally admin-
 ister and enforce the provisions of
 the Act within each municipality that
 is part of and included within the
 jurisdiction of the Agency created
 provided that each participating munici-
 pality shall have the option by
 Ordinance to determine if permits will
 be required of "rural residences" as

defined by the Act and if the stand-
 ards, rules and regulations adopted
 pursuant to the Act will be made
 applicable to such "rural residences"
 within the municipality.

(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 municipali-
 ties, specify the amount of funds, if
 any, that will be needed from each
 member municipality to finance any
 costs not covered by fees and reim-
 bursement, which amounts shall be
 approved by each member municipali-
 ty. The Agency shall attempt as nearly
 as is feasible, to limit its expenditures
 to income received from fees and reim-
 bursements.

(D) That the organizational struc-
 ture of the Agency shall include, but
 not be limited to, an advisory body
 composed of one elected official or
 other designated representative from
 each participating municipality to be
 chosen on an annual basis by each
 participating municipality, which ad-
 visory body shall elect the Board of
 Directors of the Agency.

(E) For the manner in which prop-
 erty, real or personal, shall be ac-
 quired, managed or disposed of, includ-
 ing provision that complete termination
 of the Agency's existence, its remain-
 ing assets shall be equally reimbursed
 to the participating municipalities exist-
 ing at such time.

(F) That the Agency shall serve
 only those municipalities participating
 therein.

(G) That non-member municipalities
 in the County may become participat-
 ing members of the Agency by proper
 Ordinance adopting the Agreement.

(H) That the Agreement of Coopera-
 tion may be amended or terminated
 by Ordinance of all participating mem-
 bers, and any participating municipali-
 ty may withdraw, as a party to this
 agreement, upon sixty (60) days writ-
 ten notice to the Agency.

Section 2.1 Permits shall be required
 by the Agency for "Rural residences"
 as defined by the Act and the stand-
 ards, rules and regulations adopted
 pursuant to the Act shall be made
 applicable to such "rural residences"
 within the Municipality.

Section 2.2 However, no permit will
 be granted unless the sewage system
 and all its components are placed at
 least 150 (One Hundred fifty) feet from
 neighboring boundary's, water ways,
 and all public roads.

Section 3. All prior Ordinances or
 parts thereof inconsistent with the pro-
 visions of this Ordinance, the Agree-
 ment entered into pursuant hereto, or
 requirements legally adopted by the
 Agency, are hereby repealed.

Section 4. Any person who shall vi-
 olate or fail to comply with this Or-
 dinance or any rule or regulation adopt-
 ed by the Agency pursuant to the
 powers delegated in Section 2, hereof,
 shall be guilty of a summary offense
 and shall be subject to the same fines
 and penalties as are provided for in
 paragraph 13 of the Act, provided that
 any person who shall violate or fail
 to comply with Section 2.1 of this
 Ordinance shall be guilty of a sum-
 mary offense and subject to a fine
 of not more than Three Hundred
 (\$300.00) Dollars, provided that each
 day such offense shall occur shall con-
 stitute a separate offense.

Section 5. Any portion of this Or-
 dinance that may subsequently be de-
 termined to be invalid shall not af-
 fect the remaining portions hereof,
 without regard to the portion declared
 invalid.

PROOF OF PUBLICATION

Name of the newspaper of general circulation is:

THE WELLSBORO GAZETTE

Its place of business is Wellsboro, Tioga County
 Pennsylvania

The same was established in 1874

INTENT TO ADOPT AN ORDINANCE FOR EN-
 FORCEMENT OF THE SEWAGE FACILITIES ACT

of which is hereto attached, was published in issues of

newspaper on November 17, 1976

COUNTY, ss:

Robert D. Conevery who being duly

that he is the V.P. & Treasurer

WELLSBORO GAZETTE, a weekly newspaper published in Wells-

your affiant is not interested in the subject matter of

the allegations of the statement as to time, place, char-

Robert D. Conevery

is 18 day of November, 19 76

[Signature]

ORDINANCE NO. 8

An Ordinance of the Township of Farmington, Tioga County, Pennsylvania, providing for the entering into inter-governmental cooperation with other municipalities of Tioga County to establish and maintain the Committee on Sanitation for Tioga County to perform and enforce the requirements of the Pennsylvania Sewage Facilities Act.

BE IT ORDAINED, AND IT IS HEREBY ORDAINED AND ENACTED by the Township of Farmington as follows:

Section 1. That, pursuant to the provisions of the Inter-governmental Cooperation Law (Act 180, approved July 12, 1972, the Township of Farmington (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 Tioga 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. 537, January 24, 1966, P.L. (1965), hereinafter "Act") to be known as the Committee on Sanitation for Tioga County (hereinafter "Agency").

Section 2. That the Agreement shall provide, inter alia:

(A) For the delegating and transferring to the Committee on Sanitation for Tioga County 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 be limited to, the following:

(1) Setting fee schedules for processing permit applications and issuing permits.

(2) Employing certified sewage enforcement officers and such other employees or personnel, as may be necessary, and determining the amount and method of compensation for them.

(3) Applying for and receiving reimbursement for the Pennsylvania Department of Environmental Resources.

(4) 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 Agency Law.

(5) Adopting rules and regulations and procedures not inconsistent with the Sewage Facilities Act or the Rules and Regulations promulgated pursuant thereto and the Ordinances of the participating Municipalities, 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.

(6) Exercising all the powers and duties delegated to local agencies by Sections 7 and 8 of the Act.

(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 part of and included within the jurisdiction of the Agency created, provided that each participating municipality shall have the option by Ordinance to determine if permits will be required of "rural residences" as defined by the Act and if the standards, rules and regulations adopted pursuant to the Act will be made applicable to such "rural residences" within the municipality.

(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 be limited to, an advisory body composed of one elected official or other designated representative from each participating municipality to be chosen on an annual basis by each participating municipality which advisory body shall elect the Board of Directors of the Agency.

(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 may become participating members of the Agency by proper Ordinance adopting the Agreement.

(H) That the Agreement of Cooperation may be amended or terminated by Ordinance of all participating members, and any participating municipality may withdraw, as a party to this agreement, upon sixty (60) days written notice to the Agency.

Section 2.1 The township will not require permits to install sewage systems on lots, tracts, and parcels of land having ten (10) acres or more of land known under the Act 537 as "Rural Residence".

Section 3. 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 4. Any person who shall violate or fail to comply with this Ordinance or any rule or regulation adopted by the Agency pursuant to the powers delegated in Section 2 hereof, shall be guilty of a summary offense and shall be subject to the same fines and penalties as are provided for in paragraph 13 of the Act.

Section 5. Any portion of this Ordinance that may subsequently be determined to be invalid shall not affect the remaining portions hereof, without regard to the portion declared invalid.

ORDAINED AND ENACTED this 3 day of January, 1977.

ATTEST:

BOARD OF TOWNSHIP SUPERVISORS

Madeline Smith
Township Secretary

Richard Smith

Kenneth Butler

Bernard J. Shatto

