

**TOWNSHIP OF CONEMAUGH
SOMERSET COUNTY, PENNSYLVANIA**

ORDINANCE NO. 685

AN ORDINANCE OF THE TOWNSHIP OF CONEMAUGH, SOMERSET COUNTY, PENNSYLVANIA, AUTHORIZING PARTICIPATION WITH OTHER MUNICIPALITIES IN A MULTI-MUNICIPAL LOCAL AGENCY, I.E. THE CAMBRIA COUNTY SEWAGE ENFORCEMENT AGENCY, WHICH WILL ADMINISTER, ON BEHALF OF THE MUNICIPALITY, REGULATIONS AND REQUIREMENTS INCIDENT TO ACT 537, THE PENNSYLVANIA SEWAGE FACILITIES ACT; PROVIDING FOR REPRESENTATIVES OF THE MUNICIPALITIES TO SERVE ON THE CAMBRIA COUNTY SEWAGE ENFORCEMENT AGENCY; PROVIDING FOR A BOARD OF DIRECTORS AND EMPLOYEES; AND PROVIDING A TERM OF PARTICIPATION.

ARTICLE I - PURPOSE

The Board of Supervisors of the Township of Conemaugh, Somerset County, Pennsylvania, finds it desirable to enact this Ordinance to:

- A. Protect the health, safety, and welfare of the residents and landlords of the Township.
- B. Create a Multi-Municipal Local Agency for the administration of the Pennsylvania Sewage Facilities Act as amended and the regulations promulgated thereunder.

ARTICLE II - GRANT OF POWER

This Ordinance is adopted pursuant to power granted in:

- A. The Pennsylvania Sewage Facilities Act, Act 537 of 1966 (35 P.S. 750, et seq.) as amended, or as it may be amended from time to time.
- B. The Pennsylvania Clean Streams Law, Act 394 of 1937 (35 P.S. 690, et seq.) as amended, or as it may be amended from time to time.
- C. The Pennsylvania Local Agency Law (2 Pa.C.S.A. §105, et seq.) as amended, or as

it may be amended from time to time.

ARTICLE III - DEFINITIONS

The following words or phrases, when used in this Ordinance, shall have the meanings indicated:

Township - Conemaugh Township, Somerset County, Pennsylvania;

Governing Body - the Board of Supervisors of the Township of Conemaugh, Somerset County, Pennsylvania;

Agency - the Cambria County Sewage Enforcement Agency, the entity created by this Ordinance;

Board - the Governing Body of the Agency through which all policy making powers granted to the Agency are exercised;

Department - the Pennsylvania Department of Environmental Protection;

Act - the Pennsylvania Sewage Facilities Act, Act 537 of 1966 (35 P.S. 750, et seq.) as amended, or as it may be amended from time to time;

Chapter 71, 72 or 73 - regulations adopted pursuant to the Act and more specifically identified as Pennsylvania Code, Title 25. Environmental Resources;

Multi-Municipal Local Agency (MMLA) - the Cambria County Sewage Enforcement Agency, the entity created by the adoption of this Ordinance - the Agency.

ARTICLE IV - CAMBRIA COUNTY SEWAGE ENFORCEMENT AGENCY

The Governing Body hereby:

A. Creates, constitutes and establishes the Sewage Enforcement Agency for the purposes

described above;

B. As soon as possible, but not later than thirty (30) days after the adoption of this Ordinance, every member shall, by action of its Governing Body, appoint a Representative and, at its option, may also appoint an Alternate Representative to the Board. Each Representative and Alternative shall be an individual who must be: (1) a member of the Governing Body of the member municipality that he or she represents; or (2) the Municipal Secretary.

C. Conveys to the Sewage Enforcement Agency the enforcement and administration of all three aspects of the Act and Regulations;

D. Directs the Board to, at all times, act in a manner consistent with the Act and Regulations and the additional provisions in this Ordinance;

E. Authorizes and directs the Sewage Enforcement Agency to act on behalf of the Governing Body through the appointed officers/Board to issue, deny, or revoke permits, conduct inspections, abate nuisances and health hazards arising from malfunctioning on-lot disposal systems, conduct hearings, prosecute violators and apply for operating grants from the Department or any other entity;

F. Directs the Board to establish, and, further, pledges to pay in a timely manner, initial and annual membership fees adequate to provide the Sewage Enforcement Agency with liquid fiscal resources to establish itself and continue to operate while awaiting receipt of reimbursement grants from the Department of Environmental Protection.

ARTICLE V - POWERS AND DUTIES OF THE SEWAGE ENFORCEMENT AGENCY

In addition to the powers and duties enumerated above, the Sewage Enforcement Agency shall:

A. Prepare and adopt By-Laws that:

1. Define the method by which (future) Agency Representatives will be appointed;
2. Set forth the method by which the Agency will conduct business;
3. Establish a quorum for the conduct of business;
4. Establish meeting times and date;
5. Define the manner in which vacancies will be filled;
6. Create any necessary subcommittees;
7. Establish fees for the various permits and services performed by the Agency or its staff;
8. Create a Hearing Board to conduct hearings regarding permit denials and other SEO actions;

B. Prepare and adopt an annual budget;

C. Prepare an annual application to obtain a reimbursement grant from the Department;

D. Prepare and submit annual reports to participating municipalities;

E. Hire, fire, promote, and discipline personnel necessary to conduct the business of the Agency and set their rate of compensation;

F. Create a package of employee benefits, including:

1. Sick and/or vacation leave and/or paid holidays;
2. Health and/or life and/or disability insurance;

G. Create an employee's manual containing job descriptions, qualifications for employment and pay scales;

H. Secure by contract, or other arrangement, legal counsel and the services of other

professionals, as may be necessary or desirable to advance the work of the Agency.

ARTICLE VI - SEVERABILITY

If any sentence, clause, section, part or article of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such finding shall not impair, affect or have similar effect upon any of the remaining sentences, clauses, sections, parts or articles. It is hereby declared that the intent of this Governing Body would have been to enact and adopt the remainder of the Ordinance as if the unconstitutional, illegal or invalid portions had not been included in the original enactment.

ARTICLE VII - TERM OF PARTICIPATION, NEW MEMBERS, AMENDMENTS

A. The participation in the Agency by the Governing Body shall begin on the effective date of this Ordinance, and shall continue for a period of at least two years. Such participation shall include the fulfillment of all responsibilities including payment of assessments, costs, fees and expenses.

B. After the expiration of the aforesaid two-year period, the Governing Body may, upon ninety (90) days written notice to the Board, withdraw from the Agency through the repeal of this Ordinance.

1. During the intervals between receipt of written notice pursuant to Subsection B and the actual date of withdrawal, the Agency shall not accept, process, or otherwise act upon new applications for on-lot sewage disposal systems in the municipality which has served notice of intent to withdraw.

2. The Agency shall notify interested parties and applicants of the impending change of administration and will, to the best of its ability, refer interested parties to the succeeding SEO/MMLA.
3. All applications in progress, when notice of intent to withdraw is received, shall be advanced through issuance/denial in a timely manner and, in all cases, before the withdrawal becomes effective.
4. The repeal of this Ordinance shall take place five days after the adoption or enactment of any repealing ordinance; however, it shall be effective no less than ninety (90) days following notice described in Subsection B-1.

C. After the effective date of this Ordinance, any municipality may choose to become a Member by adopting this Ordinance in full.

1. All work on an application for an on-lot sewage disposal system permit then in progress where site testing has not been completed or a design has been submitted but a permit has not been issued, shall be turned over to the Agency for completion by the Agency's SEO. The new Member will pay to the Agency any monies received from the Permittee and/or the Commonwealth or any entity relative to any such applications for on-lot sewage disposal systems. The Permittee shall be responsible for all fees and costs associated with the completion of the application which the Permittee has not already paid or which have not been paid on the Permittee's behalf.
2. In the event that a system is installed using a valid permit issued by a prior SEO, and in the event that the prior SEO has been compensated for the

installation inspection portion of the application permitting process, the issuing SEO shall be responsible for the installation inspection, provided he/she is a currently certified SEO.

3. In the event that a system is installed using a valid permit issued by a prior SEO, and the issuing SEO is no longer a certified SEO by reason of retirement from the activities of SEO, then the matter shall be turned over to the Agency SEO. The Member shall pay to the Agency any monies received from the Permittee and/or the Commonwealth or any entity relative to such permit. The Permittee shall be responsible for all fees and costs associated with the permit and/or completion of the system which the Permittee has not already paid or which have not been paid on the Permittee's behalf.
4. In the event that a permit was issued by a prior SEO and the issuing SEO is no longer a certified SEO, by reason of a certification revocation action by the Department of Environmental Protection or the voluntary surrender of his/her certification to avoid prosecution, then the Agency shall, in its sole discretion, evaluate the outstanding permits and may require testing and/or system redesign by the Agency employees, the costs of which shall be borne by the Member on behalf of the Permittee.
5. Nothing in this Subsection shall prohibit the Member from recovering any paid but unearned compensation or wages from the prior SEO.
6. Nothing in this Subsection shall prohibit the Member from recovering the costs of retesting or redesign when the actions of the former SEO were

contrary to the Act or Regulations.

D. In the event that it becomes necessary to change this Ordinance in whole or in part, no changes shall become effective and no new or altered obligation or duty shall be placed upon the Agency, and no change in the terms of this Ordinance shall become effective until such time as every participating municipality shall have adopted an identical amendatory ordinance or duly adopted Resolution.

ARTICLE VIII - EFFECTIVE DATE

This Ordinance shall take effect five days from the date of adoption inscribed below.

ADOPTED this 22nd day of February, 2012, by the Board of Supervisors of the Township of Conemaugh, Somerset County, Pennsylvania.

TOWNSHIP OF CONEMAUGH

By: _____
Supervisor

By: _____
Supervisor

By: _____
Supervisor

ATTEST:

I hereby certify that the foregoing Ordinance was adopted at a public meeting on February 22nd, 2012, by the Board of Supervisors of the Township of Conemaugh, Somerset County, Pennsylvania.

Secretary

(Seal)