

ORDINANCE NO. 184

AN ORDINANCE OF THE CLYMER BOROUGH OF INDIANA COUNTY, PENNSYLVANIA PROVIDING FOR THE ENTERING INTO INTERGOVERNMENTAL COOPERATION WITH MUNICIPALITIES OF INDIANA COUNTY TO ESTABLISH AND MAINTAIN THE INDIANA COUNTY SEWAGE ENFORCEMENT AGENCY TO PERFORM AND ENFORCE THE REQUIREMENTS OF THE PENNSYLVANIA SEWAGE FACILITIES ACT.

BE IT ORDAINED, AND IT IS HEREBY ORDAINED AND ENACTED by the Borough of Clymer as follows:

Section One: pursuant to the provisions of the Intergovernmental Cooperation Law (Act 180, approved July 12, 1972,) the Borough of Clymer (hereinafter referred to as the Municipality), shall and does hereby enter into and adopt an Agreement of Co-operation (hereinafter "Agreement") with such other municipalities of Indiana County as may ordain to do so, providing for the establishment and maintenance of a joint local agency as authorized by §8 of the Sewage Facilities Act, Act No. 537, January 24, 1966, (hereinafter "Act") to be known as the Indiana County Sewage Enforcement Agency (hereinafter "Agency").

Section Two: That the agreement shall provide inter alia:

(A) For the delegating and transferring to the Agency 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 be limited to, the following:

(1) Setting fees 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 from 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 appealing 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, which the Agency deems necessary and proper to the effective administration of the Act and to the effective execution of the power, duties and responsibilities granted by the Act. the Ordinance of participating municipalities and the Agreement of Cooperation.

(6) Exercising all the powers and duties delegated to local agencies by §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.

(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 reimbursements, 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 consist of five (5) representatives from participating Townships and two (2) representatives from participating Boroughs, elected by the Townships and Boroughs participating respectively.

(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 is perpetual. In event one of the agreed parties of the Agency wishes to terminate this Agreement, said party shall terminate effective January 1, of each year. Said party shall terminate this Agreement by giving written notice prior to September 1, of the preceding year of termination.

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(I) That the Agreement of Cooperation may be amended, or terminated, as in Section 2H, by Ordinance by a vote of two-thirds (2/3) of the participating members,

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 of regulation adopted by the Agency pursuant to the powers delegated in Section Two hereof, shall be guilty of a summary offense and shall be subject to the same fines and penalties as are provided for in §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 hereof, it being the intent of the Municipality to have enacted such remaining portions without regard to the portion declared invalid.

ORDAINED AND ENACTED this 13 day of August, 1975.

Roe Johns
President

Attest:

C. L. Longwill
Secretary