

**SAMPLE**

**Ordinance Creating a Multi-Municipal Local Agency**

Notes to user – There are some sections that require individualized input. These sections are either indicated with a blank, underlined space or capitalized, italicized instructions in parenthesis.

Article I. **Purpose**

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The Board of Supervisors of \_\_\_\_\_ Township, \_\_\_\_\_ County, finds it desirable to enact this Ordinance to:

**Section 1.01** Protect the health, safety, and welfare of the residents and landowners of the Township.

**Section 1.02** Create a Multi-Municipal Local Agency (MMLA) for the administration of the PA Sewage Facilities Act, as amended, and the regulations promulgated thereunder.

**Section 1.03** *(ADD OTHER LOCAL PURPOSES HERE.)*

Article II. **Grant of Power**

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This Ordinance is adopted pursuant to power granted in:

**Section 2.01** The Pennsylvania Sewage Facilities Act, Act 537 of 1966, (35 PS 750 et.seq.) as amended, or as it may be amended from time to time.

**Section 2.02** The Pennsylvania Clean Streams Law, Act 394 of 1937, (35 PS 690 et.seq.) as amended, or as it may be amended from time to time.

**Section 2.03** 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**

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

*Township* - \_\_\_\_\_ Township, \_\_\_\_\_ County;

*Governing Body* - the Board of Supervisors of the Township or Council of the Borough;

*Committee* - the \_\_\_\_\_ County Sanitary Committee, the entity created by this Ordinance;

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

*DEP* - the Pennsylvania Department of Environmental Protection;

*Act* - the Pennsylvania Sewage Facilities Act, Act 537 of 1966, (35 PS 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 Protection;

*MMLA or Multi-Municipal Local Agency* - the entity created by the adoption of this Ordinance - the Committee.

(ADD LOCAL DEFINITIONS)

Article IV. **Committee Creation**

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The Governing Body hereby:

**Section 4.01** Creates, constitutes and establishes the Committee for the purposes described above.

**Section 4.02** Conveys to the Committee the enforcement and administration of all three aspects of the Act and Regulations.

**Section 4.03** Directs the Board to at all times act in a manner consistent with the Act and Regulations and the additional provisions in this Ordinance.

**Section 4.04** Authorizes and directs the Committee to act on behalf of the Governing Body 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.

**Section 4.05** Directs the Board to establish, and pledges to pay in a timely manner, initial and annual membership fees adequate to provide the Committee with liquid fiscal resources to establish itself and continue to operate while awaiting receipt of reimbursement grants from the DEP.

Article V. **Powers and Duties**

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In addition to the powers and duties enumerated in Article II, the Committee shall:

**Section 5.01** Prepare and adopt Bylaws that:

- (a) Define the method by which initial Committee Representatives will be appointed;
- (b) Set forth the method by which the Committee will conduct business;
- (c) Establish a quorum for the conduct of business;
- (d) Establish meeting times and dates;
- (e) Define the manner in which vacancies will be filled;

- (f) Create any necessary subcommittees;
- (g) Establish fees for the various permits and services performed by the Committee or its staff;
- (h) Create a Hearing Board to conduct hearings regarding permit denials and other SEO actions.

**Section 5.02** Prepare and adopt an annual budget.

**Section 5.03** Prepare an annual application to obtain a reimbursement grant from the Department.

**Section 5.04** Prepare and submit annual reports to participating municipalities.

**Section 5.05** Hire, fire, promote, and discipline personnel necessary to conduct the business of the Committee and set their rates of compensation.

**Section 5.06** Create a package of employee benefits, including:

- (a) Sick and/or vacation leave and/or paid holidays;
- (b) Health and/or life and/or disability insurance.

**Section 5.07** Create an employees' manual containing job descriptions, qualifications for employment and pay scales.

**Section 5.08** 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 Committee.

## Article VI. **Severability**

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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 and New Members Amendments**

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**Section 7.01** The participation in the Committee by the Governing Body shall begin on the effective date of this Ordinance, which shall remain in effect no less than two years after which it may be terminated through the repeal of this Ordinance.

**Section 7.02** The Governing Body may, upon ninety (90) days written notice to the Board, withdraw from the Committee through the repeal of this Ordinance.

- (a) During the interval between receipt of written notice pursuant to Article VII, Section 7.02, and the actual date of withdrawal, the Committee 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;

- (b) The Committee 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;
- (c) 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;
- (d) 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 Article VII, Section 7.02(a).

**Section 7.03** After the effective date of this Ordinance, any municipality may choose to become a Member by adopting this Ordinance in full.

- (a) All work on an application for an on-lot sewage disposal system permit then in progress shall be turned over to the Committee for completion by the Committee's SEO, and the new Member shall pay, on behalf of the permittee, all fees and costs associated with the completion of the application and permit when any of the following conditions apply:
  - (1) Site testing has not been completed;
  - (2) A design has been submitted but a permit has not been issued;
- (b) 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 is a currently certified SEO;
- (c) 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 Member shall pay, on behalf of the permittee, all fees and costs associated with the installation inspection which shall be completed by the Committee's SEO;
- (d) 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 DEP or the voluntary surrender of his certification to avoid prosecution, then the Committee shall, in its sole discretion, evaluate the outstanding permits and may require retesting and/or system redesign by the Committee's employees, the costs of which shall be borne by the Member on behalf of the permittee;
- (e) Nothing in this Subsection shall prohibit the Member from recovering any paid but unearned compensation or wages from the prior SEO;
- (f) 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.

**Section 7.04** 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 Committee, 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.

Article VIII. **Effective Date**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by the \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_ County, Pennsylvania.

Attest: I hereby certify that the foregoing Ordinance was adopted at a public meeting on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by the \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_ County, Pennsylvania.

*(APPLY MUNICIPAL EMBOSSING SEAL HERE)*