

## Chapter 41

### SANITATION COMMITTEE, COUNTY

§ 41-1. Establishment; legislative authority.

§ 41-2. Provisions of agreement of cooperation.

§ 41-3. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Mansfield 5-5-1976 by Ord. No. 278. Amendments noted where applicable.]

#### GENERAL REFERENCES

Sewers — See Ch. 128.

---

#### § 41-1. Establishment; legislative authority.

Pursuant to the provisions of the Intergovernmental Cooperation Law (Act 180, approved July 12, 1972,)<sup>1</sup> the Borough of Mansfield (hereinafter referred to as the "municipality") shall and does hereby enter into and adopt an agreement of cooperation (hereinafter referred to as "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 referred to as "Act")<sup>2</sup> to be known as the "Committee on Sanitation for Tioga County" (hereinafter referred to as "Agency").

#### § 41-2. Provisions of agreement of cooperation.

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 Protection.

---

1. Editor's Note: See 53 P.S. § 481 et seq.

2. Editor's Note: See 35 P.S. § 750.8.

- (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.<sup>3</sup>
  - (5) Adopting rules and regulations and procedures not inconsistent with the Sewage Facilities Act<sup>4</sup> 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.<sup>5</sup>
- 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.

---

3. Editor's Note: See 2 Pa.C.S.A. § 551 et seq. and § 751 et seq.

4. Editor's Note: See 35 P.S. § 750.1 et seq.

5. Editor's Note: See 53 P.S. §§ 750.7 and 750.8.

- G. That nonmember 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 60 days' written notice to the Agency.

**§ 41-3. Violations and penalties.**

Any person who shall violate or fail to comply with this chapter or any rule or regulation adopted by the Agency pursuant to the powers delegated in § 41-2 hereof shall be guilty of a summary offense and shall be subject to the same fines and penalties as are provided for in Section 13 of the Act.<sup>6</sup>

---

6. Editor's Note: See 53 P.S. § 750.13.

