

ORDINANCE NO. 2024-1

AN ORDINANCE GOVERNING MUNICIPAL MANAGEMENT OF ON-LOT
SUBSURFACE SEWAGE DISPOSAL FACILITIES IN NEW ALBANY BOROUGH,
BRADFORD COUNTY, PENNSYLVANIA

NOW THEREFORE, BE IT ORDAINED by the Borough Council of New Albany Borough,
Bradford County, Pennsylvania, as follows:

Section I. Short Title: Introduction; Purpose

- A. This ordinance shall be known and may be cited as The On-Lot Sewage Management Ordinance for New Albany Borough.
- B. As mandated by the municipal codes, the Clean Streams Law (35 P.S. §691.1 to 691.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966. P.L. 1535 as amended, 35P.S. §750.1 et seq., known as Act 537), municipalities have the power and duty to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for New Albany Borough indicates that it will formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.
- C. The purpose of this ordinance is to provide for the inspection, maintenance and rehabilitation of on-lot sewage disposal systems; to further permit the Borough to intervene in situations which are public nuisances or hazards to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

Section II. Terms and Definitions

- A. General Terms. In the interpretation of this Ordinance, the singular shall include the plural, and the masculine shall include the feminine and the neuter.
- B. Specific Terms. For the purposes of this Ordinance, the terms used shall be construed to have the following meanings:

Act – The Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, No. 537, as amended, 35 P.S. Section 750.1 et seq.

Alternative System – A system for the disposal of domestic wastewaters not operating below ground level but located on or near the site of the building or buildings being served (e.g. composting toilets, gray water recycling systems, incinerating toilets, spray irrigation, black water recycling systems, etc.)

Authorized Agent – A licensed sewage enforcement officer, professional engineer or sanitarian, plumbing inspector, soils scientist, or any other qualified or licensed person who is delegated to function within the specified limits as the agent of the Borough Council of New Albany Borough to carry out the provisions of this Ordinance.

Council – The Council of the Borough of New Albany

Codes Enforcement Officer (C.E.O.) – An individual employed by the Borough municipality to administer and enforce other ordinances in the Borough.

Community Sewage System – Any system, whether publicly or privately owned, for the collection of sewage publicly, or industrial wastes of a liquid nature from two or more lots or uses, or two or more equivalent dwelling units, and the treatment and/or disposal of the sewage or industrial waste on one or more of the lots or at any other site and which shall comply with all applicable regulations of the Department.

Department (DEP) – The Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor agency.

Developer – Shall be defined as any person, partnership or corporation which erects or contacts to erect a building on property owned by it with the intent to sell the building to some other party upon its full or partial completion, or upon the conveyance of property on which the building is to be built.

Equivalent Dwelling Unit (EDU) – For the purpose of determining the number of lots in a subdivision or land development, that part of a multiple family dwelling, commercial, industrial, or institutional establishment with sewage flows equal to 210 gallons per day.

Improved Property – Any property within the Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may discharge.

Individual Sewage System – Any system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into soil or any waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposal.

Land Development – A land development as defined in the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. Section 10101 et seq.

Lot – A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

Malfunction – The condition which occurs when an on-lot sewage disposal system causes pollution to the ground or surface waters, contamination of private or public drinking water supplies, nuisance problems or hazard to public health. Indications of malfunctioning systems include, but are not limited to, foul odors, lush grass growing over system, backup of wastewater in the attached buildings, soggy ground over the system, surfacing sewage effluent flowing over the ground and occurring at any time of the year.

Management Program – The management program shall encompass the entire area of New Albany Borough serviced by sewage facilities or any other alternative system which discharges into the soils of the Borough. All systems shall be operated under the jurisdiction of the New Albany Borough Council regulating the subsurface disposal and/or alternative systems, and other applicable laws of this Commonwealth.

Municipality – New Albany Borough, Bradford County, Pennsylvania

Office Plan – A comprehensive plan for the provision of adequate sewage disposal systems adopted by the Borough and approved by the Department in accordance with the Act and with applicable Department regulations.

On-Lot Sewage Disposal System – Any sewage system disposing of sewage in whole or in part into the soil or any waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposal, and which is located upon the lot which it serves.

Owner – Any person, corporation, partnership, etc. holding deed/title to lands within the Borough.

Person – Any individual, association, partnership, public or private corporation whether for profit or not-for-profit, trust, estate, or other legally recognized entity. Whenever the term person is used in connection with any clause providing for the imposition of a fine or penalty or the ordering of action to comply with the terms of this Ordinance, the term person shall include the members of any association, partnership or firm and the officers of any public or private corporation, whether for profit or not-for-profit.

Planning Module for Land Development – A revision to, or exception to the revision of, the Borough Official Plan submitted in connection with the request for approval of a subdivision or land development in accordance with Department regulations.

Rehabilitation – Work done to modify, alter, repair, enlarge or replace an existing on-lot sewage disposal system.

Replacement Areas – An area designated as the future location of an individual on-lot sewage system that shall be installed should the initial individual on-lot sewage system installed or to be installed fail or otherwise become inoperable and which shall meet all the regulations of the Department and all applicable Borough ordinances for an individual on-lot sewage system, and shall be protected from encroachment by an easement recorded on the Final Plan as filed with the Bradford County Recorder of Deeds.

Sewage – Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation.

Sewage Enforcement Officer – A person authorized by the Pennsylvania Department of Environmental Resources in accordance with Chapter 71, Administration of Sewage Facilities Program of Title 25, Rule and Regulations; to perform percolation tests, site and soil evaluations, and issue sewage permits for on-lot disposal systems. The sewage Enforcement Officer of the Borough.

Sewage Facilities – Any method of sewage collection, conveyance, treatment, and disposal which will prevent the discharge of untreated or inadequately treated sewage into the waters of this Commonwealth or otherwise provide for the safe and sanitary treatment of sewage.

Single and Separate Ownership – The ownership of a lot by one or more persons which ownership is separate and distinct from that of any abutting or adjoining lot.

Subdivision – A subdivision as defined by the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805 No. 247, as amended, 53 P.S. Section 10101 et seq.

Borough – The Borough of New Albany, Bradford County, Pennsylvania.

Reference Source – All other definitions of words and terms used in this Ordinance shall have the same meaning as set forth in Chapter 73, Standards for Sewage Disposal Facilities of Title 25, Rules and Regulations, Department of Environmental Resources.

Section III. Applicability

- A. From the effective date of this Ordinance, its provisions shall apply to all persons owning any property serviced by an on-lot disposal system and to all persons installing or rehabilitating on-lot sewage disposal systems. The entire Borough is, therefore, included in the management program.

Section IV. Permit Requirements

- A. No person shall install, construct or alter an individual sewage system or community sewage system or construct, install or occupy any building or structure for which an individual sewage system or community sewage system is to be installed without first obtaining a permit indicating that the site and the plans and specifications of such system are in compliance with the provisions of the Pennsylvania Sewage Facilities Act and the standards adopted pursuant to that Act.
- B. No system or structure designed to provide individual or community sewage disposal shall be covered from view until approval to cover the same has been given by the municipal sewage enforcement officer. If 72 hours have elapsed, excepting Sundays and Holidays, since the sewage enforcement officer issuing the permit received notification of completion of construction, the applicant may cover said system or structure, unless permission has been specifically refused by the sewage enforcement officer.
- C. The Borough may require applicants for sewage permits to notify the Borough's certified sewage enforcement officer of the schedule for construction of the permitted on-lot sewage disposal system so that inspection(s) in addition to the final inspection required by Act 537 may be scheduled and performed by the Borough's certified sewage enforcement officer.
- D. No building or occupancy permit shall be issued by the Borough or its codes enforcement officer for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from the Borough's certified sewage enforcement officer.
- E. No building or occupancy permit shall be issued and no work shall begin on any alteration or conversion of any existing structure, if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until the Borough's codes enforcement officer and the structures owner receive from the Borough's sewage enforcement officer either a permit for alteration or a replacement of the existing sewage disposal system or written notification that such a permit will not be required. The certified sewage enforcement shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.

- F. Sewage permits may be issued only by the certified sewage enforcement officer employed by the Borough for that express purpose. The Department of Environmental Protection shall be notified by the Borough as to the identity of their currently employed certified sewage enforcement officer.
- G. No sewage permit may be issued unless proof is provided the owner of record has owned the lot since May 15, 1972, or that Act 537 planning for lot has been provided by the Borough.
- H. No final Act 241 approval of a subdivision plan may begin until Act 537 planning is approved by the Borough.

Section V. Ground Markers

Any person who shall install new or rehabilitated systems shall provide a marker or markers at ground level locating the subsurface waste disposal tank and other important components of the system requiring periodic inspection and maintenance. Requirements for marker types and locations will be determined by the Borough's sewage enforcement officer. In addition, a riser or access hatch shall be constructed so as to enable easy access to the waste disposal tank, prevent odors from escaping, and to prevent children from removing the hatch. Accessibility for visual inspection and maintenance shall be provided in the drainage fields via four (4) inch vertical, non-perforated PVC pipe connected directly to the drain tile at a minimum of four (4) locations in the drainage field. If not installed by the Borough or its authorized agent, such installation shall be subject to its approval.

Section VI. Inspections

- A. Any on-lot sewage disposal system may be inspected by the Borough's authorized agent at any reasonable time as of the effective date of this ordinance.
- B. The inspection may include a physical tour of the property, the taking of samples from surface water, wells, other ground water sources, the sampling of the contents of the sewage disposal system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure. The owner will bear the cost of the inspection and the analysis of any sample(s).

A copy of the inspection report shall be furnished to the owner and current resident which shall include all of the following information which is reasonably available to the individual or agency responsible for pumping the septic tank.

1. Date of inspection.

2. Name and address of system owner
 3. Description and diagram of the location of the system including location of access hatches, risers, and markers.
 4. Size of tanks and disposal field.
 5. Current Occupant Name and Number of Users.
 6. Indication of any system malfunctions observed.
 7. Results of any and all soil and water test.
 8. Any remedial action required.
- C. The Borough's authorized agent shall have the right to enter upon land for the purpose of inspections described above. In the event that access to inspect the property is denied, the following steps shall be taken.
1. The matter will officially be referred to the Borough's Council for action.
 2. The Council may schedule a review at the next scheduled meeting of the Borough Council, or, if the situation threatens the health and safety of the residents of the Borough, the Board may commence a procedure to obtain a search warrant from the District Justice.
 3. Upon receipt of a search warrant to inspect the property, the authorized agent of the Borough shall be accompanied by an officer of the local or State Police, and the inspection shall be completed in accordance with this subsection.
 4. The provisions of this subsection for obtaining a search warrant may be waived only when the Borough Council and its authorized agents have reason to believe that the sewage facilities or alternative system is malfunctioning or being operated improperly such that the situation poses an immediate and substantial safety, water pollution, or health hazard.
- D. A schedule of routine inspections may be established by the Borough, if necessary, to assure the proper function of the systems in the Borough.

- E. The Borough's authorized agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is indeed malfunctioning; the Borough shall take action to require the correction of the malfunction. If total correction is not technically or financially feasible in the opinion of the Borough and representative of the Pennsylvania Department of Environmental Protection, action by the property owner to mitigate the malfunction shall be required.
- F. There may arise geographic areas within the Borough where numerous on-lot sewage disposal systems are malfunctioning. A resolution of these area wide problems may necessitate detailed planning and a Borough sponsored revision to that area's Act 537 Official Sewage Facilities Plan. When a DEP authorized Official Sewage Facilities Plan Revision has been undertaken by the Borough, mandatory repair, or replacement of individual malfunctioning sewage disposal systems within the study area may be delayed, at the discretion of the Borough, pending the outcome of the plan revision process. However, the Borough may compel immediate corrective action whenever a malfunction, as determined by Borough officials and the Pennsylvania DEP, represents a serious public health or environmental threat.

Section VII.

- A. Only normal domestic wastes shall be discharged into any on-lot sewage disposal system. The following shall not be discharged into the system.
 - 1. Industrial waste.
 - 2. Automobile oil and other non-domestic oil.
 - 3. Toxic or hazardous substances or chemicals, including but not limited to, pesticides, disinfectants, acids, paints, paint thinners, herbicides, gasoline and other solvents.
 - 4. Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps and French drains.

Section VIII.

- A. Any person owning a building served by an on-lot sewage disposal system which contains a septic tank shall have the septic tank inspected and pumped by a qualified pumper/hauler upon being notified by the Borough after the adoption of this Ordinance. Thereafter, the tank shall be pumped upon notification from the Borough at intervals not to exceed three (3) years, or whenever an inspection program reveals that the treatment tanks are filled with solids in excess of 1/3 of the liquid depth of the tank or with scum in excess of 1/3 of

the liquid depth of the tank (in accordance with Chapter 71 of Title 25 of the Pennsylvania Code [Section 71.73(b)(2)].

- B. The required pumping frequency may be increased at the discretion of the authorized agent if the septic tank is undersized, if solids buildup in the tank is above average, if the hydraulic load on the system increases significantly above average, if a garbage grinder is used in the building, if the system malfunctions, or for other good cause shown.

- C. The Borough may allow septic tank owners to decrease the pumping frequency when the owner can demonstrate to the Borough that the system can operate properly without the need for pump out for a period longer than three (3) years. However, all septic tanks shall be pumped whenever an inspection program reveals that the treatment tanks are filled with solids in excess of 1/3 of the liquid depth of the tank or with scum in excess of 1/3 of the liquid depth of the tank (in accordance with Chapter 71 of Title 25 of the Pennsylvania Code [Section 71.73(b)(2)]. The Borough, in making its determination, shall take into account the information submitted by the applicant, the sewerage permit issued by the Borough Sewage Enforcement Officer upon installation or rehabilitation of the system and supporting documentation, reports of inspection and maintenance of the system, and other relevant information, and may conduct an on-site inspection. The applicant shall bear the cost of any inspection, surface or subsurface, and soil or wastes sampling conducted for the purposes of evaluating the request. The applicant shall receive a decision within ninety (90) days of accumulation of all necessary information by the Borough.

- D. Any person owning a property served by a septic tank shall obtain, with each pumping receipt, a written statement, from the pumper /hauler or from any other qualified individual acceptable to the municipality, that the baffles in the septic tank have been inspected and found to be in good working order. Any person whose septic tank baffles are determined to require repair or replacement shall first contact the municipality's certified sewage enforcement officer for approval of the necessary repair.

Each time a septic tank or other subsurface waste disposal system tank is pumped out, the Borough, its authorized agent, or a private septage waste hauler, whichever provides the service, shall provide to the owner of the sub-surface waste disposal system a signed receipt containing the following

1. Date of pumping.

2. Name and address of system owner.

3. Address of tank's location, if different from owner's

4. Description and diagram of the location of the tank, including the location of any markers, risers, and access hatches and size of the tank.

5. Age of the system.
 6. Last date of pump out.
 7. List of other maintenance performed.
 8. Any indications of system malfunction observed.
 9. Amount of septage or other solid or semi-solid material removed.
 10. Cost of the pumping service.
 11. Waste hauler's state license number permitting it to collect and haul septage in Pennsylvania.
 12. Evidence of proper disposal of septage at permitted disposal facility.
 13. List of recommendations.
- E. Any person owning a building served by an alternative system or on-lot sewage disposal system which contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the Borough within six months of the effective date of this Ordinance. Thereafter, service receipts shall be submitted to the Borough at the intervals specified by the manufacturer's recommendations.
- F. Any person owning a building served by a cesspool or dry well shall have that system pumped according to the schedule prescribed for septic tanks. As an alternative to this scheduled pumping of the cesspool dry well, the owner may secure a sewage permit from the certified sewage enforcement officer for a septic tank to be installed preceding the cesspool or dry well. For a system consisting of a cesspool or dry well preceded by an approved septic tank, only the septic tank must be pumped at the prescribed interval.
- G. The Borough may require additional maintenance activity as needed including, but not necessarily limited to, cleaning and unclogging of piping, servicing and repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, the diversion of surface water away from the disposal area, etc.

Section IX. System Rehabilitation

- A. No person shall operate and maintain on-lot sewage disposal system in such a manner that it malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to a treatment tank. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth unless a permit to discharge has been obtained from the Pennsylvania Department of Environmental Protection.
- B. The Borough shall issue a written notice of violation to any person who is the owner of the property in the Borough which is found to be served by a malfunctioning on-lot sewage disposal system or which is discharging raw or partially treated sewage without a permit.
- C. Within seven (7) days of notification by the Borough that a malfunction has been identified, the property owner shall make applications to the municipality's certified sewage enforcement officer for a permit to repair or replace the malfunctioning system. Within thirty (30) days of initial notification by the municipality, construction of the permitted repair or replacement shall commence. Within sixty (60) days of the original notification by the Borough, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the Borough shall set an extended completion date.
- D. The municipality's certified sewage enforcement officer shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, expanding the system disposal area, replacing the existing disposal area, replacing the gravity distribution system with a pressurized system, replacing the system with a holding tank, other alternatives as appropriate for the specific site.
- E. In lieu of, or in combination with, the remedies described above, the municipal sewage enforcement officer may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water using devices and appliances in the structure may be required to be retrofitted with water saving appurtenances or they may be required to be replaced by water conserving devices and appliances. The use of laundry facilities may be limited to one load per day or discontinued altogether, etc.
- F. In the event that the rehabilitation measures are not feasible or do not prove effective, the Borough may require the owner to apply for a permit to construct a holding tank in accordance with Borough ordinance. Upon receipt of said permit the owner shall complete construction of the system within thirty (30) days.
- G. Should none of the remedies described above proved totally effective in eliminating the malfunction of an existing on-lot sewage disposal system, the property owner is not

absolved of responsibility for that malfunction. The Borough may require whatever action is necessary to lessen or mitigate the malfunction to the extent that it feels necessary.

Section X. Liens

The municipality, upon written notice from the municipal sewage enforcement officer that an imminent health hazard exists due to failure of a property owner to maintain, repair or replace an on-lot sewage disposal system as provided under the terms of this ordinance, shall have the authority to perform or contract to have performed, the work required by the certified sewage enforcement officer. The owner shall be charged for the work performed and, if necessary, a lien shall be entered therefore in accordance with the law.

Section XI. Disposal of Septage

- A. All septage pumper/haulers operating within the Borough shall be registered with the Borough and shall comply with all reporting requirements established by the Borough.
- B. All septage originating within the municipal sewage management district shall be disposed of at sites or facilities approved by the Pennsylvania Department of Environmental Protection.

Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites, and approved farmland.

All registered pumpers shall:

- 1. Complete a pumper's report and provide a copy thereof tot the landowner and the Borough for each tank pumped.
 - 2. Provide the Borough quarterly a summary detailing each tank pumped, the date of pumping, and the fee received therefore and disposal site for the septage.
 - 3. Provide licensing fee, as applicable, quarterly to the Borough.
- C. Septage pumpers/haulers operating within the Borough shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35P.S. §6018.101-6018.1003). Any septage pumper/hauler who violates any of this Part or regulations of New Albany Borough, the conditions of the its State permit, or any State or local law governing its operation, shall, upon conviction thereof, be sentenced to pay a fine not exceeding one thousand dollars (\$1,000.00) and costs, and in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) DAYS. If any pumper/hauler shall have been convicted on two (2) occasions of any violation of this Part,

or for violating the conditions of its State permit, or of any State or local law governing its operation, the Borough Council shall have the power to suspend said pumper/hauler from operating within the Borough for a period of not less than six (6) months or more than two (2) years for each violation, as determined by the Borough. Each day the violation continues shall constitute a separate offense.

Section XII. Administration

- A. The Borough shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this ordinance.
- B. The Borough shall employ qualified individuals to carry out the provisions of this ordinance. Those employees shall include a certified sewage enforcement officer and may include codes enforcement officer, secretary, administrator, or other persons as required. The Borough may also contact private qualified persons or firms as necessary to carry out the provisions of this ordinance.
- C. All permits, records, reports, files, and other written material relating to the installation, operation and maintenance and malfunction of on-lot sewage disposal systems in the sewage management district shall become the property of the municipality. Existing and future records shall be available for public inspection during required business hours at the official municipal office. All records pertaining to sewage permits, building permits, occupancy permits, and all other aspects of the municipality's sewage management program shall be made available, upon request, for inspection by representatives of the Pennsylvania Department of Environmental Protection.
- D. The Borough Council shall establish all administrative procedures necessary to properly carry out the provisions of this ordinance.
- E. The Council may establish a fee schedule, and subsequently collect fees, to cover the cost to the Borough of administering this program.

Section XIII. Appeals

- A. Appeals from decisions of the Borough or its authorized agents under this ordinance shall be made to the Borough Council in writing within forty-five (45) days from date of the decision in question.
- B. The appellant shall be entitled to a hearing before the Council at its next regularly scheduled meeting, if the appeal is received at least fourteen (14) days prior to that meeting. If appeal is received within fourteen (14) days of the next regularly scheduled meeting, the appeal shall be heard at the subsequent meeting. The Borough shall thereafter affirm, modify, or reverse the aforesaid decision. The hearing may be postponed for a good cause

shown by the appellant or the municipality. Additional evidence may be introduced at the hearing provided that it is submitted within the written notice of appeal.

- C. A decision shall be rendered in writing within forty-five (45) days of the date of the hearing. If a decision is not rendered within forty-five (45) days, the release sought by the appellant shall be deemed granted.

Section XIV. Penalties

Any person failing to comply with any provisions of this ordinance shall be subject to a fine of not less than two hundred dollars (\$200.00) and costs, and not more than five hundred dollars (\$500.00) and costs, or in default thereof shall be confined in the county jail for a period of not more than thirty (30) days. Each day of noncompliance shall constitute a separate offence.

Section XV. Repealer and Savings

Any Ordinance or part of any Ordinance or Resolution or part of any Resolution or Motion or part of any Motion conflicting with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance or is inconsistent with this Ordinance; otherwise, those provisions of Ordinances, Resolutions or Motions not hereby repealed or amended and not conflicting with or not inconsistent herewith, are hereby confirmed.

Section XVI. Severability

If any sentence, clause or section or any part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted if such unconstitutional, illegal and invalid sentence, clause, section or part thereof had not been included therein.

Section XVII. Effective Date

The effective date of this Ordinance shall be thirty (30) days after the date of adoption of this Ordinance by the Borough Council.

ORDAINED AND ENACTED by the Council of the Borough of New Albany, Bradford County, Pennsylvania, in public session assembled, this _____ day of _____, 20__

BOROUGH OF NEW ALABNY
Bradford County, Pennsylvania

Attest:

David L. Hindman, Borough Secretary

By: _____
Michelle Dunham, President
Borough Council

Sheena Pettitt, Vice President
Borough Council

Daniel Dunham, III, Mayor