

ORDINANCE 2011-02

AN ORDINANCE OF THE WEST PENNSBORO TOWNSHIP BOARD OF SUPERVISORS, CUMBERLAND COUNTY, PENNSYLVANIA, AUTHORIZING, APPROVING AND ADOPTING AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE BOROUGH OF NEWVILLE, CUMBERLAND COUNTY, PENNSYLVANIA, FOR THE OPERATION OF A JOINT COMPOSTING FACILITY AND AUTHORIZING AND DIRECTING EXECUTION, ACKNOWLEDGEMENT AND DIRECTING OTHER NECESSARY AND PROPER ACTION.

WHEREAS, West Pennsboro Township has the authority pursuant to the Second Class Township Code, Act of May 1, 1933 (P.L. 103, No. 69), Reenacted and Amended November 9, 1995 (P.L. 350, No. 60), to enter into agreements with other political subdivisions, in accordance with existing laws, in performing government powers and duties and functions and in carrying into effect provisions of law relating to subjects which are common to such political subdivisions; and

WHEREAS, The board of supervisors may make agreements with other municipal corporations in performing governmental powers, duties and functions and in carrying into effect provisions of the act of July 12, 1972 (P.L. 762, No. 180), referred to as the Intergovernmental Cooperation Law; and

WHEREAS, the West Pennsboro Township Board of Supervisors believes that it is in the best interest of its citizens to adopt this Ordinance ratifying an Intergovernmental Cooperation Agreement with the Borough of Newville.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED and it is hereby adopted by the West Pennsboro Township Board of Supervisors as follows:

SECTION 1:

The preamble recited above is incorporated by reference herein.

SECTION 2:

The Township shall enter into the Intergovernmental Cooperation Agreement Between West Pennsboro Township and the Borough of Newville for the Operation of a Joint Composting Facility, attached hereto, incorporated by reference herein and labeled as Exhibit "A", relating to the joint operation of a municipal yard waste compost facility located at 122 Centerville Road, Newville, Pennsylvania, subject to the terms of the Agreement.

SECTION 3:

A copy of the Intergovernmental Cooperation Agreement, in the form so presented to this meeting and so approved, shall be filed with the Secretary of West Pennsboro Township and shall be made available for inspection at reasonable times by interested persons requesting such inspection.

SECTION 4:

The Chairman of the West Pennsboro Township Board of Supervisors and other authorized officials of the Township are authorized and directed to execute all documents and to do all other acts as may be necessary and proper to carry out this Ordinance and the undertaking of West Pennsboro Township.

SECTION 5:

The term of the Agreement shall be five (5) years commencing upon the date of enactment of the last Ordinance required by the Act. Thereafter, the Agreement may be extended or amended as the parties shall mutually agree.

SECTION 6:

All other Ordinances or parts of Ordinances inconsistent herewith shall be and the same are expressly repealed.

SECTION 7:

In the event that any provision, section, sentence, clause or portion of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or portion of this Ordinance. It being the intent of such remainder shall be and shall remain in full force and effect.

SECTION 8:

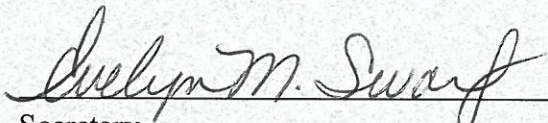
It is declared that enactment of this Ordinance is necessary for the protection, benefits and preservation of the health, safety and welfare of the residents of West Pennsboro Township.


SECTION 9:

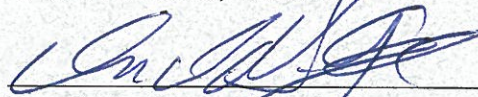
This Ordinance shall take effect immediately.

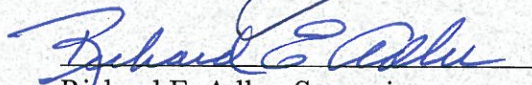
DULY ENACTED AND ORDAINED this 23rd day of May, 2011, by the Board of Supervisors of West Pennsboro Township.

ATTEST:


Secretary


Walter N. Heine, Chairman


Donald S. Agar, Vice-Chairman


Richard E. Adler, Supervisor

CERTIFICATE

I, the undersigned, Secretary of the Township of West Pennsboro, Cumberland County, Pennsylvania (the "Township"), certify that the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township which was duly enacted by affirmative vote of a majority of the members of the Board of Supervisors of the Township at a meeting duly held on May 23, 2011, and that said Ordinance has been duly recorded in the Ordinance Book of the Township; that said Ordinance was duly published on May 2, 2011, as required by law in a newspaper of general circulation in the Township; and that said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

I further certify that the meeting at which the Board of Supervisors of the Township adopted said Ordinance was a public meeting duly held after giving public notice of the date, time and place of such meeting by posting, publishing and mailing such notice at the time and in the manner required by Act No. 84 of the General Assembly of the Commonwealth of Pennsylvania, approved July 3, 1986.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 23rd day of May, 2011.

Secretary *Dwelyn M. Swaff*

