ORDINANCE 2007-11

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWER ALLEN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA AMENDING, MODIFYING AND CHANGING THE CODE OF THE TOWNSHIP OF LOWER ALLEN, 1997, AT CHAPTER 23, INTERGOVERNMENTAL COOPERATION, TO ADD AN ORDINANCE AUTHORIZING THE TOWNSHIP OF LOWER ALLEN AND THE COUNTY OF CUMBERLAND TO ENTER INTO A MASTER INTERGOVERNMENTAL AGREEMENT WITH COUNTY MUNICIPALITIES FOR THE USE OF SPECIAL FIRE POLICE FOR MUTUAL AID AND ASSISTANCE.

BE IT ENACTED AND ORDAINED by the Board of Commissioners ("Board") of Lower Allen Township ("Township") Cumberland County, Pennsylvania, and it is hereby enacted and ordained by the same as follows:

SECTION 1

Chapter 23, Intergovernmental Cooperation, of the Code of the Township of Lower Allen, 1997 shall be amended to add the following Intergovernmental Cooperation Ordinance as a new Article VII as follows:

Section 23-35: SHORT TITLE

This Ordinance shall be known and may be cited as Special Fire Police Mutual Aid Ordinance.

Section 23-36: LEGISLATIVE INTENT AND APPLICABILITY

The background of this Ordinance and the legislative intention of the Board of Commissioners in enacting it are as follows:

A. Cumberland County is a Pennsylvania 4th class county.

B. The Act of December 19, 1996, P.L. 1158, No. 177, referred to as the Intergovernmental Cooperation Law, 53 Pa. C.S. §2301, *et seq.*, provided that local governments may jointly cooperate in the exercise or in the performance of their respective governmental functions, powers or responsibilities

C. The use of Special Fire Police to perform traffic and crowd control services and other necessary functions, whether within or outside the boundaries of the municipality by which they are confirmed, is governed by statutory authority. 35 P.S. §1201, *et seq.*

D. The Board of Commissioners of Cumberland County, Pennsylvania, and the governing bodies of the participating municipalities recognize the desirability of sharing Special Fire Police resources for both emergency and non-emergency events for the protection of the health, safety and welfare of all residents.

Section 23-37: TERMS OF THE AGREEMENT

A. The conditions of membership, duration, purpose and objectives of the intergovernmental agreement, including the powers and scope of authority delegated therein, manner and extent of financing, and organizational structure necessary to implement the agreement are set forth in the Intergovernmental Cooperation Agreement for Special Fire Police Mutual Aid and Emergency Assistance ("Agreement") a copy of which is attached to this Ordinance as Exhibit "A" and incorporated herein as if set forth in full.

B. Any funds for implementation and continuing participation in the Agreement may be appropriated by the Board of Commissioners of Cumberland County and the governing bodies of participating municipalities as they shall determine, in their sole discretion, from time to time.

C. Real and personal property may be acquired, managed or disposed of under this Ordinance.

D. Each party has the power to enter into contracts for policies of group insurance and employee benefits, including social security, for all of their employees, including those whose duties further the purposes of the Agreement.

Section 23-38: AUTHORITY TO ENTER AGREEMENT

The Chairman of the Board of Commissioners of Cumberland County is hereby authorized to execute all documents and perform all actions necessary to cause the County to enter the Agreement.

Section 23-39: SEVERABILITY

If any sentence, clause, phrase or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionally, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, phrases, sections or parts of this Ordinance.

It is hereby declared as the intention of the Board of Commissioners of Lower Allen Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, phrase, section or part thereof not been included therein.

Section 23-40: PRIOR ORDINANCES

The provisions of this Ordinance, as far as they are the same as those of ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and not as new enactments. The provisions of this Ordinance shall not affect any such suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this Ordinance.

Section 23-41: REPEALER

Any other Ordinance or parts thereof inconsistent with this Ordinance be and are hereby expressly repealed.

Section 23-42: EFFECTIVE DATE

This Ordinance shall become effective as provided by law. Each Agreement shall be effective upon the effective date of the Intergovernmental Cooperation Ordinance last enacted by the parties.

ENACTED AND ORDAINED into an Ordinance this 13th day of August, 2007.

Attest:
(Corporate Seal)

Dannas Lutes
~~(Assistant)~~ **Secretary**

BOARD OF COMMISSIONERS
LOWER ALLEN TOWNSHIP

John T. Tetzel
~~(Vice)~~**President**