

ORDINANCE 2008-02

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 BOROUGH OF SHIREMANSTOWN TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR THE MUTUAL USE OF A YARD WASTE RECYCLING FACILITY FOR THE BENEFIT OF THEIR RESIDENTS.

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 VIII as follows:

Section 23-43: SHORT TITLE

This Ordinance shall be known and may be cited as the “Lower Allen Township/ Shiremanstown Borough Mutual Yard Waste Program Ordinance.”

Section 23-44: 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. The Borough of Shiremanstown is a Borough under the Commonwealth of Pennsylvania Borough Code.
- 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 Municipal Waste Planning, Recycling and Waste Reduction Act 1988 Act 101 of 1988 53 P.S. §4000.101 *et seq* is amended by Act 175 of 2002 and the Solid Waste Management Act 97 of 1980 35 P.S. 6018-101 banned the disposal of woody waste into the solid waste stream and encourages the recycling of such waste.
- D. The Board of Commissioners of Lower Allen Township and the Borough Council of Shiremanstown recognize the desirability of providing the residents of both municipalities a disposal facility for woody waste, and the use by residents of both municipalities the processed and recycled material.

Section 23-45: TERMS OF THE AGREEMENT

- A. The conditions of membership, duration, and purpose of the intergovernmental agreement, including the rights and responsibilities of membership, are set forth in the Intergovernmental Cooperation Agreement for the Lower Allen Township/ Borough of Shiremanstown Mutual Yard Waste Program (“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 Lower Allen Township and the Borough Council of Shiremanstown as they shall determine, in their sole discretion, from time to time.

- C. No mutual acquisition of real or personal properties contemplated by Lower Allen Township/Borough of Shiremanstown under this Ordinance ad intergovernmental cooperation agreement.

Section 23-46: AUTHORITY TO ENTER AGREEMENT

The Board of Commissioners of Lower Allen Township hereby authorizes the Township Manager to execute all documents and perform all actions necessary to cause the Township to enter the Agreement.

Section 23-47: 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 23-48: 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 23-49: REPEALER

Any other Ordinance or parts thereof inconsistent with this Ordinance be and are hereby expressly repealed.

Section 23-50: 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 11th day of August, 2008.

Attest:
(Corporate Seal)

**BOARD OF COMMISSIONERS
LOWER ALLEN TOWNSHIP**

(Assistant) Secretary

(Vice) President