

ORDINANCE NO. 1200

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, AUTHORIZING AN AMENDMENT TO THE WAYNESBORO BOROUGH AUTHORITY'S ARTICLES OF INCORPORATION TO EXPRESSLY CONFIRM THE AUTHORITY'S POWER TO SELL, CONVEY, AND OTHERWISE DISPOSE OF PROPERTY DEEMED SURPLUS BY THE AUTHORITY AND AMENDING SECTION 12-3 OF THE CODE OF THE BOROUGH OF WAYNESBORO TO PROVIDE CONSISTENCY WITH THE AUTHORITY'S ARTICLES OF INCORPORATION.

WHEREAS, the Waynesboro Borough Authority (the "Authority") has adopted Resolution No. 2022-02 requesting that Borough Council of the Borough of Waynesboro authorize and approve a certain amendment to the Authority's Articles of Incorporation; and

WHEREAS, Section 5605(a)(3) of the Municipal Authorities Act (53 Pa.C.S.A §5605(a)(3)) permits an Authority to change, add to or diminish its powers or purposes or to set forth different or additional powers or purposes subject to the approval of the incorporating municipality; and

WHEREAS, the Authority desires to amend its Articles of Incorporation to expressly confirm the Authority's power to sell, convey, and otherwise dispose of property deemed surplus by the Authority; and

WHEREAS, Borough Council of the Borough of Waynesboro desires to authorize the amendment set forth herein to the Authority's Articles of Incorporation and amend Section 12-3 of the Code of the Borough of Waynesboro to provide consistency with the Authority's Articles of Incorporation.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania, and it is enacted and ordained as follows:

SECTION 1: Borough Council of the Borough of Waynesboro authorizes and approves the following amendment to the Waynesboro Borough Authority's Articles of Incorporation:

Section 5 of the Waynesboro Borough Authority's Articles of Incorporation shall be amended to read as follows:

Section 5. The projects which will be undertaken by the said Authority are: to acquire, hold, construct, improve, maintain, operate, own, lease, either in the capacity of lessor or lessee, and to sell, convey, or otherwise dispose of property deemed surplus by the Authority, both real and personal, relating to, sewers, sewer systems or parts thereof, sewage treatment works, including works for treating and disposing of industrial wastes and waterworks, water supply works and water distribution systems for the Borough of Waynesboro and for such other territory as it may be authorized to serve.

SECTION 2: Section 12-3 of Chapter 12, Article 1, of the Code of the Borough of Waynesboro, entitled, "Projects to be undertaken by Waynesboro Borough Authority" shall be replaced in its entirety with the following:

§12-3 The projects which will be undertaken by the said Authority are: to acquire, hold, construct, improve, maintain, operate, own, lease, either in the capacity of lessor or lessee, and to sell, convey, or otherwise dispose of property deemed surplus by the Authority, both real and personal, relating to, sewers, sewer systems or parts thereof, sewage treatment works, including works for treating and disposing of industrial wastes and waterworks, water supply works and water distribution systems for the Borough of Waynesboro and for such other territory as it may be authorized to serve.

SECTION 3: The Secretary of this Brough is authorized and directed to certify a copy of this Ordinance and to submit such certified copy to the Waynesboro Borough Authority. The Waynesboro Borough Authority is authorized to take actions necessary to effectuate the amendment to its Articles of Incorporation set forth herein.

SECTION 4: Repealer. All provisions of previous ordinances of the Code, which are contrary to this Ordinance, are expressly repealed.

SECTION 5: Savings Clause. In all other respects, the Code shall remain as previously enacted and ordained.

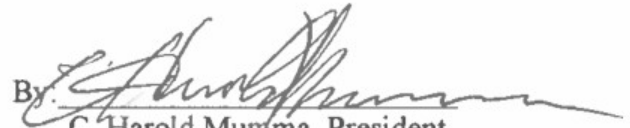
SECTION 6: Severability. If any word, phrase, sentence, part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable and the remaining provisions of this ordinance and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 7: Effective Date. This Ordinance shall take effect immediately.

ENACTED, ORDAINED and APPROVED this 21st day of September, 2022.

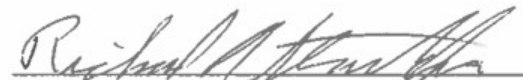


Waynesboro Borough Council

By: 
C. Harold Mumma, President

ATTEST:


Melinda Knott, Secretary


Richard Starliper, Mayor