

North Centre Township
Columbia County, Pennsylvania

Ordinance No 2023-01

An Ordinance of North Centre Township, Columbia County, Pennsylvania establishing an Intergovernmental Cooperation Agreement (hereinafter referred to as Agreement) for the purpose of multimunicipal comprehensive planning between Briar Creek Township and North Centre Township under and pursuant to the Intergovernmental Cooperation Act and under the authority granted to North Centre Township pursuant to the Second-Class Township Code.

North Centre Township Supervisors hereby ordain as follows:

Section 1: The Supervisors of North Centre Township are hereby authorized and directed to execute and deliver an Agreement for the purpose of multimunicipal comprehensive planning between Briar Creek Township and North Centre Township, a copy of which is attached hereto. The specific terms, conditions, and provisions of the Agreement are made a part hereof.

This Ordinance shall become effective immediately Duly enacted and ordained this May 15, 2023 by the North Centre Township Supervisors of North Centre Township, Columbia County, Commonwealth of Pennsylvania in lawful session duly assembled.

ATTEST:

NORTH CENTRE TOWNSHIP

Rebecca Knorr, Secretary

Ronald E. LeVan Jr., Chair
Board of Supervisors

**INTERGOVERNMENTAL COOPERATION AGREEMENT FOR IMPLEMENTING
THE MULTIMUNICIPAL COMPREHENSIVE PLAN FOR BRIAR CREEK
TOWNSHIP AND NORTH CENTRE TOWNSHIP,
COLUMBIA COUNTY, PENNSYLVANIA**

This Intergovernmental Cooperation Agreement (hereafter referred to as Agreement), dated this 15th day of May, 2023 for implementing the Briar Creek Township and North Centre Township Multimunicipal Comprehensive Plan (hereinafter referred to as the *Plan*) is made by and among Briar Creek Township and North Centre Township (hereinafter referred to collectively as Municipalities and individually as Municipality.)

Background:

The Municipalities collaborated to establish a steering committee and engage a consultant to develop a multimunicipal comprehensive plan. The *Plan* has been adopted as the Comprehensive Plan for each Municipality. The Municipalities are now desirous of establishing the framework for implementing the *Plan*.

Section 1: Authority

Article XI of the Pennsylvania Municipalities Planning Code (hereinafter referred to as MPC) enables governing bodies of municipalities to enter into intergovernmental cooperation implementation agreements to implement comprehensive plans. The Intergovernmental Cooperation Law enables municipalities to jointly cooperate in the performance of their respective government functions, powers, or responsibilities pursuant to a written agreement.

Section 2: Purpose

As set forth in the *Plan*, the purpose of this Agreement is:

- A. To provide for implementation of the *Plan* pursuant to MPC Article XI and to afford the Municipalities the benefits and opportunities available to participants in a multimunicipal plan under the provisions of the MPC.
- B. To protect and maintain the separate identity of the Municipalities.

Section 3: Powers and Scope of Authority

This Agreement provides a framework for the Municipalities to cooperatively implement the *Plan* in accordance with the MPC and the terms of this Agreement, including specific powers

and responsibilities hereinafter set forth, and to do all acts necessary or desirable within the scope of each Municipality's reasonable resources to carry out the purposes of this Agreement.

The Municipalities understand and agree that the implementation of the *Plan* and the achievement of general consistency between each Municipality's zoning and land use ordinances and the *Plan* must be accomplished in order to enable the Municipalities to take full advantage of the benefits and opportunities of the multimunicipal comprehensive planning. Each Municipality understands and agrees that it shall be principally responsible to achieve and maintain general consistency between its zoning and land use ordinances and the *Plan*.

The *Plan* shall be deemed to be incorporated into this Agreement.

Section 4: Implementation Responsibility

The *Plan* indicates that the supervisors in each Township are responsible for overseeing the implementation of the *Plan*. By this Agreement, the Board of Supervisors hereby agree to meet on a quarterly basis to identify implementation priorities and report on implementation actions.

The Municipalities will assume the responsibility and role of implementing the recommendations contained in the *Plan* and each Municipality shall make sincere, reasonable efforts within its capabilities, schedules, budgets, and resources.

Section 5: Adoption of Conforming Ordinances

Following the adoption of the *Plan* and any subsequent amendment by the Municipalities, each Municipality will review and amend, with two (2) years of adoption, its zoning and subdivision ordinances so as to be generally consistent with the *Plan* or any subsequent amendment. Amended ordinances shall provide for the sharing of uses among municipalities, in accordance with the MPC.

Section 6: Developments of Regional Significance and Impact

Upon a Municipality receiving an application, including sketch plans, for a Development of Regional Significance and Impact (hereinafter referred to a DRI), the Municipality shall provide a copy of the application and supporting materials to the other Municipality for comment.

In addition to DRI applications, all applications for a development which lies within 500 feet of the boundary of the other Municipality shall submit notification to the other Municipality within ten (10) days of receipt of the application. Notification shall include a copy of the development application.

Section 7: Annual Reports

By April 1 of each year following execution of this agreement, each Municipality shall prepare and submit a report to the other municipality and the Columbia County Planning Commission. The report shall address activity from the previous year pursuant to this Agreement and an action plan outlining implementation of the *Plan*.

Section 8: Amendment and Review of the Plan

The *Plan* may be amended by the formal approval of the Municipalities in accordance with the requirements of the MPC. The *Plan* shall be reviewed at least every ten years after plan adoption in accordance with the procedures and requirements of the MPC.

Section 9: Dispute Resolution

Any dispute resulting from and/or issue arising as a result of this Implementation Agreement, or the interpretation of the *Plan* and/or the consistency of implementing plans and ordinances with the *Plan*, shall be resolved as follows: The Municipalities shall agree to discuss and negotiate in good faith in an attempt to resolve the dispute amicably and informally. This Agreement does not restrict or limit the Municipalities from exercising any other legal causes of action the disputing Municipalities may have in relation to this Agreement and the disputes that may arise in relation thereto, in accordance with 53 Pa. C.S.A 2315.

Section 10: Execution, Effective Date, and Termination

- A. To enter into this Agreement and commence implementation of the Multimunicipal Comprehensive Plan, each governing body of the Municipalities shall adopt an ordinance approving this Agreement.
- B. This Agreement shall become effective on the first day of the calendar month immediately following adoption by the Municipalities of ordinances approving this Agreement.
- C. Any Municipality shall have the right to terminate its participation in this Agreement by adoption of an ordinance terminating such Municipality's participation in the Agreement or the *Plan*. Should a Municipality elect to terminate its participation, they shall provide one year's written notice thereof to other Participants.

In Witness Whereof, the Municipalities, intending to be legally bound hereby, have caused this Intergovernmental Cooperation Agreement to be subscribed, as the dates set forth under the duly authorized signature of each Municipality.

ATTEST:

BRIAR CREEK TOWNSHIP:

Michelle DeStefano, Secretary

Craig Fisher, Chair
Board of Supervisors

BCT Seal

ATTEST:

NORTH CENTRE TOWNSHIP

Rebecca Knorr, Secretary

Ronald E. LeVan Jr, Chair
Board of Supervisors

NCT Seal