

TOWNSHIP OF MOUNT JOY

Lancaster County, Pennsylvania

ORDINANCE NO. CCLIX

AN ORDINANCE APPROVING AN AMENDMENT TO THE INTER-MUNICIPAL AGREEMENT AMONG THE BOROUGH OF ELIZABETHTOWN, TOWNSHIP OF MOUNT JOY, MOUNT JOY TOWNSHIP AUTHORITY AND ELIZABETHTOWN AREA REGIONAL AUTHORITY CONCERNING ITEMS RELATING TO THE WASTEWATER TREATMENT PLANT AND CONVEYANCE FACILITIES PROVIDING WASTEWATER CONVEYANCE, TREATMENT AND DISPOSAL SERVICES TO PROPERTIES WITHIN ELIZABETHTOWN BOROUGH AND MOUNT JOY TOWNSHIP.

WHEREAS, Mount Joy Township ("Mount Joy") and Elizabethtown Borough (the "Borough") are neighboring municipalities in Lancaster County, Pennsylvania; and

WHEREAS, the Borough owns and operates a wastewater conveyance, treatment and disposal system including interceptors and a wastewater treatment plant which serve properties within the Borough, Mount Joy, and the Township of West Donegal ("West Donegal"); and

WHEREAS, the Borough, Mount Joy, Mount Joy Township Authority ("MJTA"), and Elizabethtown Area Regional Authority ("EARA") entered into an Intermunicipal Agreement in 2000 relating to the use of the facilities by MJTA for transmission of wastewater collected by the MJTA sewer system to the wastewater treatment plant for treatment and disposal; and

WHEREAS, circumstances among the parties have changed since the execution of the 2000 Agreement and the parties desire to amend the 2000 Intermunicipal Agreement to incorporate new requirements of the Pennsylvania Department of Environmental Protection ("DEP") and to remove EARA as a party; and

WHEREAS, the Intergovernmental Cooperation Act, 53 Pa.C.S. §2301 et seq., permits municipalities to enter into agreements to cooperate in the performance of their respective functions, powers or responsibilities; and

WHEREAS, the Intergovernmental Cooperation Act provides that any joint cooperation agreement shall be deemed in force as to any municipality when the same has been adopted by

ordinance by all cooperating municipalities; and

WHEREAS, Mount Joy and the Borough desire to enact such an ordinance.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Mount Joy, Lancaster County, Pennsylvania, as follows:

Section 1. The caption of and recitals to this Ordinance as set forth above are incorporated herein by reference.

Section 2. The Township of Mount Joy shall join with the Borough of Elizabethtown in accordance with the Pennsylvania Intergovernmental Cooperation Act by entering into the Amendment to the 2000 Intermunicipal Agreement (the "Amendment") which is adopted by reference with the same effect as if it had been set out verbatim in this Section and a copy of which shall be filed with the minutes of the meeting at which this Ordinance was enacted.

Section 3. The Township of Mount Joy is authorized to enter into the Amendment for the purposes contained therein. The actions required under the Amendment are to be taken by the officials or employees of the Township designated for this purpose, pursuant to general or specific instructions issued by the Board of Supervisors.

Section 4. As required by the Intergovernmental Cooperation Act the following matters are specifically found and determined:

A. The conditions of the 2000 Intermunicipal Agreement, as amended, are that the Borough will provide wastewater conveyance and wastewater treatment services to MJTA in the Borough's facilities subject to the terms set forth in the 2000 Intermunicipal Agreement. Mount Joy will consent to and join in the Amendment to the extent necessary or desirable to permit MJTA to comply with its obligations and commitments under the Amendment or to cause Mount Joy to be bound by the 2000 Intermunicipal Agreement, as amended, in the event Mount Joy comes into possession of the MJTA sewage system.

B. The duration of the term of the 2000 Intermunicipal Agreement, as amended, shall be, subject to termination in accordance with the provisions thereof, that the 2000 Intermunicipal Agreement shall continue until modified in writing by the mutual consent of all parties thereto.

C. The purpose and objectives of the Amendment are to provide for the nutrient limitations which DEP has imposed on the wastewater treatment plant and remove EARA as a party.

D. There is no financing contemplated by the Township to implement the Amendment.

E. There will be no new organizational structure necessary to implement the Amend-

ment.

F. Under the terms of the Intermunicipal Agreement, as amended, the Borough will own wastewater conveyance facilities and the wastewater treatment plant, and MJTA will own capacity in those facilities and have the right to purchase additional capacity.

G. No separate entity will be created under the Amendment which will be empowered to enter into contracts for the policies of group insurance and employee benefits.

Section 5. The Board of Supervisors reserves the right to modify, supplement or amend the Intermunicipal Agreement, as amended, from time to time by resolution or ordinance.

Section 6. All other intergovernmental agreements between the Borough and Mount Joy presently existing are hereby ratified and confirmed to the extent such agreements are not inconsistent with the Amendment authorized herein.

Section 7. The provisions of this Ordinance are severable and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of the Township of Mount Joy that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 8. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of Mount Joy as provided by law.

DULY ORDAINED AND ENACTED the 19th day of April, 2010, by the Board of Supervisors of the Township of Mount Joy, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF MOUNT JOY
Lancaster County, Pennsylvania

Attest: Patricia J. Bailey
(Assistant) Secretary

By: Gerald Cole
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]