

TOWNSHIP OF MOUNT JOY

Lancaster County, Pennsylvania

ORDINANCE NO. CCXLI

AN ORDINANCE AUTHORIZING THE BOROUGH OF MOUNT JOY AND THE TOWNSHIP OF MOUNT JOY TO ENTER INTO AN AGREEMENT CONCERNING PLANNING FOR THE IMPROVEMENT OF OLD MARKET STREET.

WHEREAS, Mount Joy Borough and Mount Joy Township (hereinafter collectively the "Municipalities" and sometimes individually the "Municipality") are political subdivisions located within Lancaster County, Pennsylvania; and

WHEREAS, Old Market Street is a public street located within the Borough and the Township; and

WHEREAS, Lancaster County Career and Technology Center ("LCCTC") is the occupant of premises with considerable frontage along Old Market Street; and

WHEREAS, the Municipalities and LCCTC believe it is appropriate to plan for the improvement of Old Market Street and to equally share in the costs to have such planning services performed; 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, the Municipalities desire to each enact such an ordinance.

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. This Municipality agrees that Mount Joy Borough and Mount Joy Township shall join with each other and LCCTC in accordance with the Pennsylvania Intergovernmental Cooperation Act by entering into the Agreement 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. This Municipality is authorized to enter into the Agreement in the form and content presented at this meeting for the purposes contained therein. This action is to be taken by the officials or employees of the Municipality designated for this purpose, pursuant to general or specific instructions issued by the Board of Supervisors or pursuant to the Second Class Township Code.

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

A. The conditions of the agreement are set forth in the recitals to this Ordinance and the Agreement referred to in Sections 2 and 3 hereof. The Borough, the Township, and LCCTC shall equally share in the cost to have a consultant prepare site feasibility and conceptual plan services and, upon further agreement, additional planning work.

B. The Agreement shall commence as of the date of execution on behalf of both Municipalities and LCCTC and shall extend until terminated by any party upon one month's written notice to each other party.

C. The purposes and objectives of the Agreement are to provide for the allocation of costs for design, planning and, if appropriate, permitting of improvements to Old Market Street.

D. Each Municipality shall bear the costs which such Municipality has agreed to incur as set forth in the Agreement from its general fund or from grant funding.

E. No new organizational structure is proposed by the Agreement.

F. The Agreement does not contemplate the acquisition of any real or personal property by the Municipalities except that the Municipalities may accept dedication of additional right-of-way located within their respective municipal limits.

G. Each Municipality have the power to enter into contracts for policies of insurance or other employee benefits. No new entity will be created pursuant to the Agreement which shall be empowered to enter into contracts for policies of group insurance and employee benefits, including Social Security, for its employees.

Section 5. The Board of Supervisors is authorized to take such other action as may be necessary to carry out the purposes of this Ordinance in connection with the implementation of the Agreement.

Section 6. The Board of Supervisors reserves the right to modify, supplement or amend the Agreement from time to time by resolution or ordinance.

Section 7. All other intergovernmental agreements between Mount Joy Borough and Mount Joy Township or among Mount Joy Borough and Mount Joy Township and third parties presently existing are hereby ratified and confirmed to the extent such agreements are not inconsistent with the Agreement authorized herein.

Section 8. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 9. 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 this 17TH day of MARCH, 2008, 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: Dawn K. Swagait
(~~Chairman~~) Chairman
Board of Supervisors

[TOWNSHIP SEAL]