

TOWNSHIP OF MOUNT JOY

Lancaster County, Pennsylvania

ORDINANCE NO. CCXLII

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF MOUNT JOY, THE TOWNSHIP OF WEST DONEGAL, AND THE BOROUGH OF ELIZABETHTOWN, ALL OF LANCASTER COUNTY, PENNSYLVANIA, TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT FOR THE PURPOSE OF ESTABLISHING A ZONE EMERGENCY MANAGEMENT AGENCY.

WHEREAS, the Township of Mount Joy, Township of West Donegal and the Borough of Elizabethtown, hereinafter collectively referred to as the "Municipalities", desire to enter into an Intergovernmental Cooperation Agreement to provide for the creation of a zone emergency management agency to assume the responsibilities of the respective Municipalities; and

WHEREAS, the Municipalities have determined that the residents of each Municipality will be best served by the establishment of a zone emergency management agency, rather than through separate emergency management agencies in each of the respective Municipalities.

NOW THEREFORE, be it ordained and enacted by the Board of Supervisors of the Township of Mount Joy, Lancaster County, Pennsylvania, and it is hereby ordained and enacted by the authority of and pursuant to the provisions of the Intergovernmental Cooperation Act, 53 Pa. C.S. §2301 et seq., and pursuant to the authority and the provisions of the Emergency Management Services Code, as amended, 35 Pa C.S. §7101-7707, as follows:

Section 1. This Ordinance shall be known as the Elizabethtown/West Donegal/Mount Joy Township Zone Emergency Management Ordinance.

Section 2. The caption of the recitals to this Ordinance as set forth above are incorporated herein by reference.

Section 3. The purpose of this Ordinance is to create the Elizabethtown/West Donegal/Mount Joy Township Zone Emergency Management Agency to function as the emergency management agency for each of the respective Municipalities, in accordance with the Emergency Management Services Code, as amended.

Section 4. This Township shall join with West Donegal Township and Elizabethtown Borough in accordance with the Pennsylvania Intergovernmental Cooperation Act by entering into the Intergovernmental 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 5. This Township is authorized to enter into the Intergovernmental Agreement for the purposes contained therein. The actions required under the Intergovernmental Agreement are to be taken by the officials or employees of this Township designated for this purpose, pursuant to general or specific instructions issued by the Board of Supervisors.

Section 6. As required by the Intergovernmental Cooperation Act the following matters are specifically found and determined:

A. The conditions of the Intergovernmental Agreement are that the Municipalities shall form the Elizabethtown/West Donegal/Mount Joy Township Zone Emergency Management Agency, hereinafter referred to as the "Agency", said organization to be responsible for functioning as the emergency management agency in each of the Municipalities, and they shall prepare and maintain a joint Emergency Operations Plan that can and will be implemented for response to emergencies affecting their municipalities.

B. The duration of the term of the Intergovernmental Agreement shall be two years.

C. The purpose and objectives of the Intergovernmental Agreement are to provide for joint emergency management services.

D. The manner and extent of financing the Intergovernmental Agreement are that no borrowing will be required and all funds required for the project shall be paid from the general revenues of each Municipality. Each Municipality shall provide financial support for said services based upon an equal share basis or such other basis as the Municipalities may agree from time to time.

E. The organizational structure necessary to implement the Intergovernmental Agreement is as follows. Each Municipality shall appoint two individuals to serve as members of the Elizabethtown/West Donegal/Mount Joy Township Zone Emergency Management Council, hereinafter referred to as the "Council", which will have planning and resources development responsibilities for emergency operations within the territorial limits of the Agency. Actions taken by the Council must be ratified by the individual Municipality's governing body, as provided within the Emergency Management Services Code.

F. The manner in which property, real and personal, shall be acquired, managed or disposed of, shall be as provided for in the Intergovernmental Cooperation Agreement, as amended from time to time by the Municipalities.

G. The Municipalities shall not have the power to enter into contracts for policies of insurance or other employee benefits relating to the Agency or the Council.

Section 7. The Board of Supervisors is authorized to take such other action as may be necessary to carry out the purposes of this Ordinance and the Intergovernmental Cooperation Agreement.

Section 8. The Board of Supervisors reserves the right to modify, supplement or amend the Intergovernmental Cooperation Agreement from time to time.

Section 9. All other intergovernmental agreements between or among any of the Municipalities and third parties presently existing are hereby ratified and confirmed to the extent such Agreements are not inconsistent with the Intergovernmental Cooperation Agreement authorized by this Ordinance. This Ordinance supersedes and this approved Intergovernmental Cooperation Agreement supersedes the Intergovernmental Cooperation Agreement between Elizabethtown Borough and West Donegal Township dated February 6, 1995.

Section 10. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part of provision had not been included herein.

Section 11. A Copy of this Ordinance shall be filed with the County Emergency Management Agency and shall remain in effect unless amended. Any Amendment shall also be filed with the County Emergency Management Coordinator.

Duly Ordained and Enacted by the Township of Mount Joy, Lancaster, County, Pennsylvania on this 21ST day of APRIL, 2008.

TOWNSHIP OF MOUNT JOY

Attest: Patricia J. Bailey
(~~Assistant~~) Secretary

By: Dan D. Luergal
(~~Chairman~~) Chairman
Board of Supervisors

[TOWNSHIP SEAL]