

SOUTH MIDDLETON TOWNSHIP  
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 07 of 2008

AN ORDINANCE AUTHORIZING THE BOARD OF SUPERVISORS  
OF SOUTH MIDDLETON TOWNSHIP TO ENTER AN  
INTERMUNICIPAL SANITARY SEWAGE TREATMENT AGREEMENT WITH  
DICKINSON TOWNSHIP UNDER THE AUTHORITY OF THE  
INTERGOVERNMENTAL COOPERATION ACT

BE IT ENACTED AND ORDAINED by the Board of Supervisors in and for the Township of South Middleton, Cumberland County, Pennsylvania and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1:        SHORT TITLE

This Ordinance shall be known and may be cited as the Intermunicipal Sanitary Sewage Treatment Agreement with Dickinson Township.

SECTION 2:        LEGISLATIVE INTENT AND APPLICABILITY

The background of this Ordinance and the legislative intention of the Board of Supervisor ("Board") in enacting it are as follows:

- (A) South Middleton Township is a municipal township of the second class.
- (B) The General Assembly of the Commonwealth of Pennsylvania has provided for intergovernmental cooperation in the performance of governmental functions and powers by the Act of December 19, 1996, P.L. 1158, No. 177 § 1, as amended, 53 Pa. C.S. § 2301, et seq., as amended.
- (C) The Intergovernmental Cooperation Act authorizes two or more local governments in the Commonwealth to jointly cooperate in the exercise or in the performance of their respective governmental functions, powers or responsibilities, so long as both municipalities adopt an ordinance so providing.
- (D) The Board has determined that it is in the best interest of South Middleton Township to enter into the aforementioned Agreement thereby permitting the extension of sanitary sewer into Dickinson Township by the South Middleton Township Municipal Authority.

SECTION 3: INTERMUNICIPAL AGREEMENT

The covenants, terms and conditions of the Intermunicipal Agreement attached hereto as Exhibit "A" are hereby incorporated herein by reference.

SECTION 4: DURATION OF AGREEMENT

The duration of the Agreement is perpetual unless and until terminated by either party.

SECTION 5: PURPOSE AND OBJECTIVES OF THE AGREEMENT

The purpose of the Agreement is to provide a sanitary sewer for collection, conveyance, and treatment within the area of Dickinson Township defined by Exhibits "A" and "B", which is attached hereto and made part of this Ordinance. Said service shall be subject to the rate structure and quantity allocation terms set forth in the Intermunicipal Agreement. Nothing in this Ordinance shall be construed to allow public sewer to any area beyond the municipal boundary of Dickinson Township.

SECTION 6: SEVERABILITY

If any sentence, clause, phrase or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, phrases, sections or parts of this Ordinance.

It is hereby declared as the intention of the Board of Supervisors of this Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, phrase, section or part thereof not been included therein.

SECTION 7: REPEALER

Any other Ordinance or parts thereof inconsistent with this Ordinance by and are hereby expressly repealed.

SECTION 8: EFFECTIVE DATE

This Ordinance shall become effective as provided by law.

ENACTED AND ORDAINED this 10th day of July, 2008.

BOARD OF SUPERVISORS  
SOUTH MIDDLETON TOWNSHIP

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WALTER G. REIGHARD, Chairman

ATTEST:

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BRYAN A. GEMBUSIA, Vice Chairman

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SANDRA A. QUICKEL, SECRETARY

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JAMES N. BAKER

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RONALD L. REEDER

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THOMAS E. FALEY