

SOUTH MIDDLETON TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 06 of 2008

AN ORDINANCE AUTHORIZING THE BOARD OF SUPERVISORS
OF SOUTH MIDDLETON TOWNSHIP TO ENTER INTO AN
INTERMUNICIPAL PUBLIC WATER SERVICE AGREEMENT WITH
DICKINSON TOWNSHIP WHICH AMENDS THE PREVIOUS AGREEMENT
AUTHORIZED UNDER ORDINANCE 01-09. THE AGREEMENT IS ENTERED
UNDER THE AUTHORITY OF THE INTERGOVERNMENTAL COOPERATION ACT
AND IS THE FIRST AMENDMENT TO THE ORIGINAL AGREEMENT

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 First Amendment to the Intermunicipal Water Service 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 public water into Dickinson Township by the South Middleton Township Municipal Authority.

SECTION 3: INTERMUNICIPAL AGREEMENT

The covenants, terms and conditions of the “First Amendment of Intermunicipal Water Service Agreement” attached hereto 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 permit Dickinson Township Municipal Authority to connect to South Middleton Township Municipal Authority’s water supply system at additional points of connection as shown on Exhibit ‘A’ of the attached agreement (Sheet 1 of 2 and 2 of 2). Said distribution services 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 water for distribution 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

WALTER G. REIGHARD, Chairman

ATTEST:

BRYAN A. GEMBUSIA, Vice Chairman

SANDRA A. QUICKEL, SECRETARY

THOMAS E. FALEY

JAMES N. BAKER

RONALD L. REEDER