

ORDINANCE NO. 404

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL COOPERATIVE AGREEMENT BETWEEN DUNCANNON BOROUGH AND PENN TOWNSHIP FOR A RECYCLING PROGRAM

WHEREAS, Duncannon Borough has determined that it is in the best interest of the Borough to participate in an intergovernmental cooperation agreement so as to provide for management of recyclables efficiently and at a reasonable cost.

WHEREAS, exercising their powers and authorities under the law, Duncannon Borough and Penn Township, Pennsylvania, have participated in an intergovernmental cooperative arrangement for a recycling program in and to the benefit of the residents and businesses of the municipalities; and

WHEREAS, the municipalities first entered into an Agreement of Services for such purpose in 2010, which agreement the municipalities propose to modify and reenter; and

WHEREAS, pursuant to the Pennsylvania Intergovernmental Cooperation Law, 52 Pa. C.S.A. §§ 2301 *et seq.*, a municipality may enter into an intergovernmental cooperative agreement upon the passage of an ordinance by its governing body.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Council of Duncannon Borough:

Section 1. Purpose

The purpose of this Ordinance is provide for and continue the intergovernmental cooperative arrangement between Duncannon Borough and Penn Township for the provisioning of recycling services to and within the respective municipalities.

Section 2. Enabling Authority

This Ordinance is enacted under authority of the Borough Code, 8 Pa.C.S.A. §§ 1202(8) and 1203 and pursuant to the Pennsylvania Intergovernmental Cooperation Law, 52 Pa. C.S.A. §§ 2301 *et seq.*

Section 3. Findings and Determinations

The Borough Council hereby specifically finds and determines as follows:

- a. The purpose and objectives of the intergovernmental cooperative arrangement, including powers and scope of authority delegated to each municipality and duties assigned to each municipality, are set forth in the Agreement for Services, attached hereto and marked **APPENDIX A**, and incorporated by reference herein.

- b. The terms of the intergovernmental cooperative agreement are set forth in the incorporated Agreement for Services.

- c. The manner and extent of financing of the provisioning of the services are set forth in the incorporated Agreement for Services.

Section 4. Effective Date of Agreement of Services

The effective date of Duncannon Borough's agreement to and joinder in the Agreement for Services will be _____.

Section 5. Modifications of Agreement for Services; Withdrawal

The Agreement for Services may be subsequently modified or amended in accordance with its procedural terms and consistent with its stated purposes. In accordance with the terms of the Agreement for Services, Duncannon Borough may withdraw from the Agreement for Services if the Borough Council determines the modifications or

amendments or continued participation in the provisioning of the services are not in the best interests of the Borough.

Section 6. Administration

The Borough Manager, or such other person upon designation by the Borough Council, is hereby authorized to take any and all such other actions as may be necessary or appropriate to carry out the purposes of this Ordinance and to comply with the terms of the attached Agreement for Services and any duly adopted modifications or amendments thereto. The Agreement for Services, and any modifications or amendments thereto, shall be maintained on file for inspection and review at the Borough's offices.

Section 7. Execution of Agreement for Services

The President of Borough Council and Borough Manager are hereby authorized to execute the Agreement for Services. The Restated Trust Agreement shall be maintained on file for inspection and review at the Township's offices. The Secretary of the Borough shall provide a certified copy of this Ordinance upon its enactment to Penn Township.

Section 8. Duration

The duration of the term of the Borough's participation in the Agreement for Services and obligations under the Agreement for Services shall continue until withdrawal from the Agreement for Services by the Borough in accordance with the terms of the Agreement for Services.

Section 9. Repealer.

All ordinances in effect as of the time of enactment of this Ordinance, to the extent that the same are inconsistent with the terms of this Ordinance, are repealed.

Section 10. Severability.

If any sentence, clause, section or part 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, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 11. Effective Date.

This Ordinance shall be in force and effect as soon as permitted by operation of Section 3301.3(b) of the Borough Code.

ENACTED AND ORDAINED this ____ day of _____, 2015.

ATTEST:

Kathryn Bauer, Secretary

Duane Hammaker
President of Council

(SEAL)

DULY EXAMINED AND APPROVED this ____ day of _____, 2015.

Mayor

[Faint, illegible text, possibly a signature or stamp]