

ORDINANCE NO. 176

AN ORDINANCE OF HEIDELBERG TOWNSHIP BERKS COUNTY, PENNSYLVANIA, AUTHORIZING THE MUNICIPALITY TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH OTHER MUNICIPALITIES, TO PARTICIPATE IN THE BERKS COUNTY · MS4 STEERING COMMITTEE FOR THE PURPOSE OF COLLABORATIVELY REQUIREMENTS OF MEETING THE 2018-2023 MS4 EDUCATIONAL NPDES PERMIT.

WHEREAS, the First Class Townships, Second Class Townships, Boroughs and Third Class Cities of Pennsylvania, Third Class Counties when not inconsistent with state or federal law, are authorized to oversee and regulate trade, commerce and the use of public streets, ways and property within their jurisdictions; and

WHEREAS, the First Class Township, Second Class Township, Borough Codes and Third Class City Codes and County Codes as well as the provisions of the Pennsylvania Intergovernmental Cooperation Act, provide for intergovernmental cooperation between and among municipalities of Pennsylvania in the exercise or performance of their respective governmental functions, powers and responsibilities and authorize the adoption of joint agreements as may be deemed appropriate for such purposes; and

WHEREAS, there are currently certain municipalities within Berks County which are participating in the Berks County MS4 Steering Committee, as these municipalities have determined that it is in the best interests of their residents to participate in the "Cooperative Educational Program," and

WHEREAS, there are certain municipalities in Berks County, including Heidelberg Township, which has been invited to join in the Berks County MS4 Steering Committee; and

WHEREAS, the participating municipalities in the Berks County MS4 Steering Committee shall share in the cost of providing a Cooperative Educational Program; and

WHEREAS, Heidelberg Township is authorized to participate in the Berks County MS4 Steering Committee upon the execution of an intergovernmental cooperation agreement and the passage of an ordinance by its governing body under the Pennsylvania Intergovernmental Cooperation Act, Act 177 of 1996 (*53 Pa. C.S.A. Section 2301, et seq.*), as amended (the "Act"); and

WHEREAS, the (Board of Commissioners/Board of Supervisors/Borough Council/City Council) of HEIDELBERG TOWNSHIP has determined that it is in the best interests of its residents to join with other Berks County municipalities in the Berks County MS4 Steering Committee in order to provide a Cooperative Educational Program; and

NOW THEREFORE BE IT ENACTED AND ORDAINED by the (Board of Commissioners/Board of Supervisors/Borough Council/City Council) of HEIDELBERG TOWNSHIP of, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

SECTION 1. TITLE AND BACKGROUND. The short title of this Ordinance shall be "The Berks County MS4 Steering Committee Ordinance", and the same may be cited in that manner, and the Background of this Ordinance is as set forth above in the WHEREAS clauses, which are incorporated herein by reference.

SECTION 2. PURPOSE. The purpose of this Ordinance is to enable Heidelberg Township to participate with other Berks County municipalities in the Berks County MS4 Steering Committee and Cooperative Educational Program.

SECTION 3. AUTHORIZATION. The (Township/Borough/City) hereby approves entering into the Berks County MS4 Steering Committee Cost-Sharing and Cooperation Agreement (the "Agreement"), a copy of which is attached hereto and incorporated herein by reference as Exhibit "A" (and which shall be filed with the minutes of the meeting at which this Ordinance was enacted), with the intent and effect that the (Township/Borough/City) shall be bound by the Agreement.

SECTION 4. EXECUTION. The (Chairman of the Board of Commissioners/Board of Supervisors/President of Borough Council/President of City Council) of the (Township/Borough/City) is hereby authorized and directed on behalf of the (Township/Borough/City): (i) to execute and deliver the Agreement; and (ii) to execute and deliver such additional instruments, and to take such further actions as may be necessary or appropriate to carry forth the Agreement and the transactions to be effected under the Agreement, including payment of expenses, as may be due from the (Township/Borough/City) under the Agreement.

SECTION 5. RATIFICATION. All actions of any officer, agent or other representative of the (Township/Borough/City) heretofore taken in the pursuit of the Berks County MS4 Steering Committee and/or the (Township's/Borough's/City's) participation therein are hereby ratified and approved in all respects.

SECTION 6. NECESSARY ACTS. The (Township/Borough/City) is hereby authorized to take such other action as may be necessary or appropriate to carry out the purposes of this Ordinance and of the Agreement.

SECTION 7. PENNSYLVANIA INTERGOVERNMENTAL COOPERATION ACT. This Ordinance is adopted pursuant to the authority granted in the Act and, as required thereby, the following matters are specifically found and determined:

- (a) The conditions of the Agreement are set forth in the Agreement;
- (b) The duration of the Agreement is set forth in the Agreement;

(c) The purposes, objectives, powers and scope of authority granted and delegated for the Berks County MS4 Steering Committee are as set forth in the WHEREAS clauses of this Ordinance and in the Agreement;

(d) The manner and extent of financing the Agreement is through, among other things, the payments set forth in Section 6 of the Agreement; provided, however, that if pennitted by law, the participating municipalities may approve a revision in fees payable, if warranted, by resolution from time to time;

(e) The corporate organizational structure comprising the participating municipalities in the Berks County MS4 Steering Committee governing the Agreement is as set forth in the Agreement; and

(f) All property, real or personal, necessary for the implementation and operation of this Agreement shall be acquired, managed, licensed or disposed of in accordance with the terms of the Agreement;

(g) There will be no employees of the Berks County MS4 Steering Committee for purposes of entering into contracts for policies of group insurance and employee benefits.

SECTION 8. REPEAL OF ORDINANCES. Any ordinance or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provisions.

SECTION 9. SEVERABILITY. If any article, section, subsection, prov1s10n, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the within Ordinance. The (Board of Commissioners/Board of Supervisors/Borough Council/City Council) of Heidelberg Township, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases or word that may be declared illegal, unconstitutional or invalid.

SECTION 10. EFFECTIVE DATE. This ordinance shall become effective (five (5) days from the date of enactment/at the earliest date permitted by law.).

DULY ENACTED AND ORDAINED this 29th, day of March, 2018.

(TOWNSHIP/BOROUGH/CITY) OF Heidelberg
David Randler

David Randler (Chairman, Board of
Township Supervisors)

ATTEST:

Cheryl Bowers (SEAL)

Cheryl Bowers, Township Secretary