

TOWNSHIP OF MONROE
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2019-02

**AN ORDINANCE AUTHORIZING THE TOWNSHIP OF
MONROE AND THE TOWNSHIP OF SOUTH MIDDLETON
TO ENTER INTO AN AGREEMENT CONCERNING
UNIFORM CONSTRUCTION CODE BUILDING PERMITS
AND INSPECTION PROCEDURES RELATIVE TO THE
DEVELOPMENT KNOWN AS THE PORCHES AT
ALLENBERRY.**

WHEREAS, Monroe Township and South Middleton Township (hereinafter collectively the "Municipalities" and sometimes individually the "Municipality") are adjoining political subdivisions located within Cumberland County, Pennsylvania; and

WHEREAS, Trinity M.S.B., LLC (hereinafter the "Developer") is currently constructing a 128-unit subdivision pursuant to the Final Land Development Plan for The Porches of Allenberry, dated August 23, 2018 and recorded in the Office of the Recorder of Deeds in and for Cumberland County as Instrument No. 201903544 (hereinafter the "Porches at Allenberry"); and

WHEREAS, the Porches at Allenberry is located within Monroe Township; and

WHEREAS, the Municipalities entered into a Connection Agreement on July 27, 2017, wherein the Municipalities would allow the Developer to utilize South Middleton Authority's public water supply system and sanitary sewer system for the benefit of the Porches at Allenberry; and

WHEREAS, one of the provisions in the Connection Agreement requires the Townships to enter into an intergovernmental cooperation agreement for the purpose of contracting and delineating the rights among the Townships with respect to building plan review and inspections for the Porches at Allenberry; and

WHEREAS, Monroe Township and South Middleton Township desire to delineate the procedure to issue Uniform Construction Code (hereinafter "UCC") building permits, collect and disburse fees therefrom, and perform building inspections for the development at the Porches at Allenberry; and

WHEREAS, the Intergovernmental Cooperation Act, 53 Pa.C.S. § 2301 et seq., permits municipalities to enter into agreements in order to cooperate in the performance of their respective functions, powers, or responsibilities; and

WHEREAS, the Intergovernmental Cooperation Act provides that any joint cooperation agreement shall be deemed in force as to any municipality when the same has been adopted by ordinance by all cooperating municipalities; and

WHEREAS, the Municipalities desire to each enact such an ordinance.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Monroe, Cumberland County, Pennsylvania, as follows:

Section 1. The recitals above are herein incorporated by reference as if set forth more fully below.

Section 2. Monroe Township and South Middleton Township agree to join with each other in accordance with the Intergovernmental Cooperation Act by entering into the Agreement, adopted by reference, with the same effect as if set forth more fully herein, a copy of which shall be filed with the minutes of the meeting at which this Ordinance was enacted.

Section 3. Monroe Township is authorized to enter into the Agreement in the form and content presented for the purposes contained therein. The enactment of this Ordinance, and the execution of the Agreement, is authorized pursuant to the Second Class Township Code, 53 P.S. § 65101 et seq., and the Intergovernmental Cooperation Act.

Section 4. As required by the Intergovernmental Cooperation Act, 53 Pa.C.S. § 2307, the following matters are specifically found and determined:

- (1) The conditions of the Agreement are set forth in the Recitals to this Ordinance, and the Agreement referred to in Sections 2 and 3 hereof.
- (2) The Agreement shall commence as of the date of execution of the Agreement, by both Monroe Township and South Middleton Township, and shall extend until terminated pursuant to the terms of the Agreement.
- (3) The purposes and objectives of the Agreement are to provide for the procedure to issue UCC building permits for improvements constructed at the Porches at Allenberry, collect and disburse fees therefrom, and perform building inspections.
- (4) Monroe Township and South Middleton Township shall bear the costs agreed upon in the Agreement from payments made by the Developer toward the acquisition of zoning and building permits.
- (5) Monroe Township is proposing no new organizational structure with the Agreement.
- (6) The Agreement does not contemplate the acquisition of real or personal property.

(7) No new entity will be created pursuant to the Agreement which shall be empowered to enter into contracts for policies of group insurance and employee benefits, including Social Security, for its employees. The Municipalities have the power to enter into contracts for policies of insurance or other employee benefits pursuant to the terms of the Agreement.

Section 5. The Board of Supervisors of Monroe Township is authorized to take such other action in furtherance of carrying out the purposes of this Ordinance, in connection with the implementation of the Agreement.

Section 6. The Board of Supervisors reserves the right to modify or amend the Agreement from time to time by resolution or ordinance.


Section 7. Any provision of this Ordinance which is invalid or unenforceable in any jurisdiction or under any circumstances shall be ineffective to the extent of such invalidity or unenforceability without invalidating or rendering unenforceable the remaining provisions hereof in such jurisdiction or under such circumstances, and any such invalidity or unenforceability shall not invalidate or render unenforceable such provision in any other jurisdiction or under any other circumstances, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

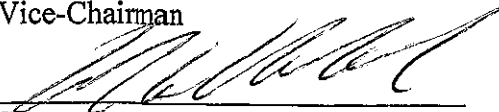
Section 8. This Ordinance shall take effect five (5) days after its enactment by the Board of Supervisors of Monroe Township as provided by law.

ORDAINED AND ENACTED, this 8th day of August, 2019, by the Board of Supervisors of Monroe Township, Cumberland County, Pennsylvania

MONROE TOWNSHIP
BOARD OF SUPERVISORS


Chairman


Vice-Chairman


Supervisor

ATTEST:

Karen M. Gouvey
~~Assistant Secretary~~

(SEAL)