ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF MAIDENCREEK, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 223) OF THE TOWNSHIP, BY AMENDING PART I: ADMINISTRATIVE LEGISLATION, CHAPTER 16 INTERMUNICIPAL AGREEMENTS ARTICLE IX BERKS COUNTY MS4 STEERING COMMITTEE TO PERMIT THE TOWNSHIP'S CONTINUED PARTICIPATION

WHEREAS the Board of Supervisors of the Township of Maidencreek, Berks County, PA (the Township) enacted Ordinance 231 on August 9, 2012 (Maidencreek Code Sections 16-35 – 16-40) authorizing the participation by the Township in the Berks County MS4 Steering Committee; and,

WHEREAS the original agreement provided for fees and a program template through 2017; and,

WHEREAS a new agreement with additional fees and more detailed educational program is now proposed for 2018 through 2022; and,

WHEREAS the Township wishes to authorize continued future participation and renew cooperation agreements without the need to pass a new ordinance;

NOW THEREFORE, the Board of Supervisors of the Township of Maidencreek, Berks County, PA, in lawful session duly convened hereby ENACTS AND ORDAINS the following amendments to its Code of Ordinances (the Code) as follows:

Section 1. Amendments to Chapter 16.

Part I Administrative Legislation of the Code, Chapter 16 entitled Intermunicipal Agreements, Article IX Berks County MS4 Steering Committee is amended as follows:

Section 16-36 entitled Authorization is hereby amended by replacing the existing language with the following:

"The Township hereby approves and agrees to enter into the Berks County MS4 Steering Committee Cost-Sharing and Cooperation Agreement which is attached to this ordinance marked Exhibit A and made Part hereof and which will be filed with the minutes of the meeting at which this ordinance is adopted. Upon the expiration of the initial term of the Agreement the Township may by Resolution authorize the Township to Continue as a participant in the Berks County MS4 Steering Committee and to enter into and be bound by future Cost-Sharing and Cooperation Agreements without the need to amend this ordinance if all the following conditions are met: i) the purpose and overall scope of the Committee does not materially change; ii) the Agreement meets the requirements of the Pennsylvania Intergovernmental Cooperation Act; and iii) the Board

reviews and approves any proposed fees or increases in fees and extensions of time proposed in any subsequent agreement." The Attached Exhibit A and any subsequent agreement approved in accordance with this section will be binding upon the Township".

Section 16-37 Execution is amended by adding the words "and subsequent agreements adopted in compliance with this ordinance" after the word "instruments" in line 3.

Section 2. Severability.

The provisions of this Article shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal, such decision shall not affect the validity of any remaining provisions of this Article. It is hereby declared that it is the legislative intent that this Article would have been adopted had the unconstitutional or illegal provisions not been included.

Section 3. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of the Ordinance are hereby repealed.

Section 4. Effective Date.

This Ordinance shall be effective five (5) days after enactment.

ORDAINED and ENACTED as an Ordinance by the Board of Supervisors of Maidencreek Township, County of Berks, Pennsylvania, in lawful session duly assembled, this _____ day of _____, 2018.

MAIDENCREEK TOWNSHIP
BOARD OF SUPERVISORS

By:_____
Claude Beaver, Chairman

_____
Joseph E. Rudderow, III, Supervisor

_____
Heidi Fiedler, Supervisor

Attest:

_____
Diane Hollenbach, Secretary