

BOROUGH OF MACUNGIE
LEHIGH COUNTY, PENNSYLVANIA

Ordinance No. 2018-04

AN ORDINANCE AUTHORIZING THE BOROUGH OF MACUNGIE TO ENTER INTO AN AMENDED INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE BOROUGH OF EMMANUEL AND ALBERTUS AND THE TOWNSHIPS OF LOWER MACUNGIE, LOWER MILFORD, AND UPPER MILFORD TO IMPLEMENT THE SOUTHWESTERN LEHIGH COUNTY COMPREHENSIVE PLAN.

WHEREAS, the Boroughs of Macungie, Albertus and Emmaus and the Townships of Lower Macungie, Lower Milford, and Upper Milford (the “**Participants**”) desire to enter into an agreement to implement their multi-municipal comprehensive plan (the Southwestern Lehigh County Comprehensive Plan) in order to satisfy the requirements of the Pennsylvania Municipalities Planning Code, 53 PA. STAT. ANN. § 10101 *et seq.*; and

WHEREAS, the Macungie Borough Council is authorized under the provisions of the Pennsylvania Intergovernmental Cooperation Act, 53 Pa.C.S.A. § 2301 *et seq.* (the "Act"), to enter into agreements with other political subdivisions for the purpose of carrying out essential governmental functions; and

WHEREAS, the Macungie Borough Council is authorized under the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S §§ 11103 and 11104, to enter into implementation agreements with other political subdivisions for the purpose of implementing regional comprehensive plans; and

WHEREAS, the Borough of Macungie (“Borough”) has determined and agreed to implement the Southwestern Lehigh County Comprehensive Plan for the Boroughs of Macungie, Albertus and Emmaus and the Townships of Lower Macungie, Lower Milford, and Upper Milford (“Plan”), said Plan being dated October 2017; and

WHEREAS, the Borough previously adopted Ordinance No. 2017-05 which authorized the Borough to enter into an implementation agreement with the Participants; and

WHEREAS, since the adoption of Ordinance No. 2017-05 the Participants have agreed to amend the implementation agreement to address certain issues; and

WHEREAS, the Borough now intends to and hereby does approve and authorize the execution of the amended implementation agreement as set forth herein.

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Macungie, Lehigh County, Pennsylvania, as follows:

SECTION 1. Chapter 31, Intermunicipal Agreements, of the Macungie Borough Code of Ordinances is hereby amended by amending Article V to read as follows:

ARTICLE V

Agreement to Implement the Southwestern Lehigh County Comprehensive Plan.

§31-10 AUTHORIZATION OF ENTRY INTO INTERGOVERNMENTAL COOPERATION AGREEMENT.

The proper officers of the Borough of Macungie are hereby authorized and directed to execute and deliver on behalf of the Borough, the Intergovernmental Cooperation Agreement (the "Agreement"), in substantially the form attached hereto and marked as *Exhibit "A"*, which is incorporated herein by reference and made a part of this Article, with respect to the implementation of the Southwestern Lehigh County Comprehensive Plan dated October 2017 for the Boroughs of Alburtis, Emmaus, and Macungie and the Townships of Lower Macungie, Lower Milford, and Upper Milford. The President of Borough Council and other proper officers are hereby authorized and directed to execute the Agreement in substantially the form attached hereto on behalf of Macungie Borough upon the approval of the Agreement by all of the participating municipalities.

§31-11 DURATION OF AGREEMENT.

The Agreement shall be valid, effective and enforceable for and against all parties thereto for an indefinite term. Each party to the Agreement may, upon the requisite written notice to the other parties, withdraw from the Agreement.

§31-12 PURPOSE OF AGREEMENT.

The Agreement is intended to authorize the participating municipalities to implement the above-referenced Southwestern Lehigh County Comprehensive Plan for the Boroughs of Alburtis, Emmaus, and Macungie and the Townships of Lower Macungie, Lower Milford, and Upper Milford. The participating municipalities, by way of the Agreement, intend to and have agreed to amend their respective ordinances to be generally consistent with the above-referenced Plan.

§31-13 AUTHORIZATION OF FURTHER ACTION.

The proper officers of the Borough are hereby authorized and directed to take all such actions, execute, deliver, file and/or record all such documents, publish all notices and otherwise comply with the provisions of this Ordinance and the Act insofar as the transaction contemplated by this Ordinance, in the name and on behalf of the Borough.

SECTION 2. Repealer

All ordinances or parts of ordinances that are inconsistent herewith are hereby repealed. In particular, Ordinance No. 2017-05 is hereby repealed and shall be replaced by this Ordinance and the attached Agreement.

SECTION 3. Severability

If any section, paragraph, sub-section, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

SECTION 4. Effective Date

This Ordinance shall become effective the earliest date permitted by law.

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Macungie, this ____ day of _____, 2018, in lawful session duly assembled.

BOROUGH COUNCIL
BOROUGH OF MACUNGIE

Christopher T. Becker
Council President

Attest:

Chris L. Boehm, Borough Manager

AND NOW, this ____ day of _____, 2018, the above Ordinance is hereby **APPROVED**.

Ronald Conrad, Mayor