

TILDEN TOWNSHIP
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 233-2018

AN ORDINANCE AUTHORIZING TILDEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, TO ENTER INTO AN AGREEMENT WITH UPPER TULPEHOCKEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA TO ALLOW SHARING OF EQUIPMENT AND PERSONNEL FOR ROAD CONSTRUCTION AND REPAIR WORK IN BOTH MUNICIPALITIES

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Tilden Township, Berks County, Pennsylvania ("Tilden Township"), and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

SECTION 1. This Ordinance is adopted pursuant to authority granted in the Pennsylvania Inter-Governmental Cooperation Act, Act 177 of 1996, 53 Pa. C.S.A. § 2301 *et. seq.* as amended, or as may be amended from time to time.

SECTION 2. Tilden Township and Upper Tulpehocken Township, Berks County, Pennsylvania ("Upper Tulpehocken Township"), hereby agree to enter into an agreement to allow Tilden Township and Upper Tulpehocken Township to share equipment and personnel for road construction and repair work in both municipalities.

SECTION 3. Pursuant to and in accordance with the above-referenced authority, Tilden Township is hereby authorized and directed to enter into the Intermunicipal Agreement with Upper Tulpehocken Township for the purposes contained therein, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 4. The only parties to the Agreement shall be Tilden Township and Upper Tulpehocken Township. Each municipality shall adopt and retain in effect an Ordinance authorizing the entering into the Intermunicipal Agreement, and shall comply with all requirements of said Ordinances, the Intermunicipal Agreement and other properly documented policies, including financial requirements.

SECTION 5. As required by the Act, the following matters are specifically found and determined:

(a) The conditions of the agreement are set forth in the Intermunicipal Agreement between Tilden Township and Upper Tulpehocken Township;

(b) The Agreement shall continue in effect until termination by a subsequent Ordinance of either or both Townships;

(c) The purposes and objectives of the agreement are set forth hereinabove and the Intermunicipal Agreement and actions contemplated thereby and purposes and objectives contained therein are otherwise legal as part of an arrangement between Tilden Township and Upper Tulpehocken Township, thereby achieving economic and other advantages of intergovernmental cooperation;

(c) All property, real or personal, shall be acquired, managed, or disposed of by Tilden Township and Upper Tulpehocken Township in accordance with the terms of the Intermunicipal Agreement;

(f) The organization and administration of the Intermunicipal Agreement shall be undertaken in accordance with the terms of the Agreement.

SECTION 6. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of Tilden Township that such Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 7. The Ordinances of Tilden Township, Berks County, Pennsylvania, shall be and remain unchanged and in full force and effect except as amended, supplemented or modified by this Ordinance. This Ordinance shall become a part of the Ordinances of Tilden Township, Berks County, Pennsylvania, upon adoption.

SECTION 8. All ordinances or parts of ordinances of Tilden Township which are inconsistent herewith are hereby repealed.

SECTION 9. This Ordinance shall become effective five (5) days after adoption.

DULY ENACTED AND ORDAINED this 12 day of December,
2018.

TILDEN TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA
BOARD OF SUPERVISORS

By: Gene L. Schappell
Gene Schappell, Chairman

By: Frederick Herman
Frederick Herman, Vice Chairman

By: Richard DeLong
Richard DeLong, Supervisor

Attest: Monica Flower
Monica Flower, Secretary

[SEAL]

MUNICIPAL CERTIFICATION

I, Monica Flower, Secretary of the TILDEN, BERKS COUNTY, PENNSYLVANIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 233, 2018 adopted at a regular meeting of the Board of Supervisors of Tilden Township, Berks County, Pennsylvania held on the 12th day of December, 2018.

[SEAL]



Monica Flower, Secretary
Tilden Township,
Berks County, Pennsylvania