

TILDEN TOWNSHIP
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 237-2019

AN ORDINANCE AUTHORIZING TILDEN TOWNSHIP BERKS COUNTY, PENNSYLVANIA, TO ENTER INTO AN INTERGOVERNMENTAL IMPLEMENTATION AGREEMENT AND TO PARTICIPATE IN THE CREATION, ADOPTION, AND IMPLEMENTATION OF A MULTI-MUNICIPAL COMPREHENSIVE LAND USE PLAN KNOWN AS THE "NORTHERN BERKS JOINT COMPREHENSIVE PLAN"

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Tilden Township, Berks County, Pennsylvania ("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. The political subdivisions set forth below are authorized to enter into an agreement, to be titled the "Northern Berks Joint Comprehensive Plan Intergovernmental Cooperation Agreement," ("Agreement") which is a multi-municipal comprehensive plan cooperative implementation agreement under Article XI of the Pennsylvania Municipalities Planning Code, 53 P.S. §§ 11101, *et seq.* The participants in the Agreement are:

- Borough of Hamburg
- Borough of Shoemakersville
- Perry Township
- Tilden Township
- Upper Tulpehocken Township
- Upper Bern Township
- Windsor Township
- Hamburg Area School District

(The above-stated political subdivisions are collectively referred to as "Participants." A true and correct copy of the Agreement is attached hereto, incorporated herein, and marked as Exhibit "A.").

SECTION 3. Pursuant to and in accordance with the above-referenced authority, the Township is hereby authorized and directed to enter into the Agreement with the Participants 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 the Participants. Each Participant shall adopt and retain in effect this Ordinance (or, in the case of the Hamburg Area School District, a Resolution in a form substantially similar to this Ordinance) authorizing the entry into the Agreement, and shall comply with all requirements of said Ordinance or Resolution, the Agreement, the Pennsylvania Municipalities Planning Code, and other applicable laws and 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 Agreement among the Participants;

(b) The Agreement shall continue in effect until termination in the manner set forth in the Agreement;

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

(d) Although no property acquisition is contemplated, any property, real or personal, shall be acquired, managed, or disposed of by the Participants in accordance with the terms of the Agreement;

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

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 the 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 the Township which are inconsistent herewith are hereby repealed.

