

BOROUGH OF CAMP HILL
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2011- 02

AN ORDINANCE OF THE BOROUGH COUNCIL OF CAMP HILL BOROUGH,
CUMBERLAND COUNTY, PENNSYLVANIA CONFIRMING
AND AUTHORIZING ENTRY INTO AN INTERGOVERNMENTAL
COOPERATION AGREEMENT WITH HAMPDEN TOWNSHIP FOR THE
COLLECTION AND TREATMENT OF MUNICIPAL SANITARY SEWAGE.

BE IT ENACTED AND ORDAINED by the Borough Council of Camp Hill Borough,
Cumberland County, Pennsylvania, and it is hereby enacted and ordained by the authority of the
same as follows:

SECTION 1: LEGISLATIVE INTENT AND APPLICABILITY

The background of this Ordinance and the legislative intention of the Borough Council of
Camp Hill Borough in enacting it are as follows:

A. The Borough of Camp Hill is a duly existing borough under the laws of the
Commonwealth of Pennsylvania and Hampden Township is a Pennsylvania township of the first
class.

B. The Act of December 19, 1996 P.L 1158, No. 177, referred to as the
Intergovernmental Cooperation Law, 53 Pa.C.S. §2301, *et seq.*, provides that local governments
may jointly cooperate in the exercise or in the performance of their respective governmental
functions, powers or responsibilities.

C. Hampden Township and the Borough of Camp Hill are geographically adjacent
municipalities, with Hampden Township having a municipal authority owning municipal
sanitary sewage collection, transmission and treatment facilities operated by Hampden Township

and the Borough of Camp Hill owning and operating municipal sanitary sewage collection and transmission facilities.

D. The Borough Council of Camp Hill Borough has determined that it is in the best interest of the public health, safety and welfare of its citizens and those of Hampden Township to participate with Hampden Township and the Hampden Township Sewer Authority to provide for the conveyance and treatment of sewage originating from the Borough of Camp Hill.

SECTION 2: TERMS OF THE AGREEMENT

A. The terms, conditions, duration, requirements, purposes and objectives of the agreement among Hampden Township, Hampden Township Sewer Authority (both collectively "Hampden" herein) and the Borough of Camp Hill, to provide for the conveyance and treatment of sewage originating from the Borough of Camp Hill, including the powers and scope of authority delegated therein, manner and extent of financing, if any, and manner in which real and personal property will be acquired and managed as necessary, are set forth in an agreement (the "Agreement"), a copy of which is attached to this Ordinance as "Exhibit A" and incorporated herein as if set forth in full.

B. The term of the Agreement shall be perpetual.

C. The objectives of the Agreement are to provide, *inter alia*, for transmission to and treatment by Hampden of sewage that originates from the Borough of Camp Hill, with Hampden and Camp Hill having those powers and authorities with respect such objectives as specified in the Agreement.

D. Financing necessary to implement the terms and requirements of the Agreement shall be determined and implemented as necessary by the individual parties thereto and shall

include, *inter alia*, the payment of a capacity tapping fee, user fees and various costs and expenses as noted therein.

E. No particular or unique organizational structure will be created by or be necessary to implement the Agreement.

F. The Agreement provides for the enlargement of the use of existing easements or rights-of-way, if and as necessary, by Hampden, with such interests in land to be maintained for the purposes for which they are obtained.

G. No new entity is being created by the Agreement; accordingly, there are no particular powers or authorities being established that would otherwise be associated with the existence of a new entity.

SECTION 3: AUTHORITY TO ENTER AGREEMENT

The President of the Borough Council of Camp Hill Borough is hereby authorized to execute all documents and perform all actions necessary to cause Camp Hill Borough to enter into the Agreement with Hampden Township and Hampden Township Sewer Authority. Any previous authority so given by the Borough Council is hereby approved, ratified and confirmed.

SECTION 4: SEVERABILITY

If any sentence, clause, phrase or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, phrases, sections or parts of this Ordinance or of the Agreement. It is hereby declared as the intention of the Borough Council of Camp Hill Borough that this Ordinance and the Agreement would have been adopted or approved, as the case may be, had such unconstitutional, illegal or invalid sentence, clause, phrase, section or part thereof not been included therein.

SECTION 5: EFFECTIVE DATE

This Ordinance shall become effective upon the date of enactment below as provided by law.

ENACTED AND ORDAINED this 12th day of January, 2011.

ATTEST:

BOROUGH OF CAMP HILL

Anne Shambayfi
Borough Secretary

By: [Signature]
President, Borough Council

(BOROUGH SEAL)

Approved this 13th day
of January, 2011.

[Signature]
Mayor

ATTESTED TO BE A TRUE AND CORRECT
COPY OF THE BOROUGH OF CAMP HILL
ORDINANCE CONFIRMING AND AUTHORIZING
ENTRY INTO AN INTERGOVERNMENTAL
COOPERATION AGREEMENT WITH HAMPDEN
TOWNSHIP FOR THE COLLECTION AND
TREATMENT OF MUNICIPAL SANITARY SEWAGE.

Anne Shambayfi
Borough Secretary