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INTRODUCED BY: **Henry Hay Nixon**

DATE: **July 12, 2016**

AN ORDINANCE

**OF THE CITY OF YORK, YORK COUNTY, PENNSYLVANIA, CONFIRMING AND
AUTHORIZING ENTRY INTO INTERGOVERNMENTAL COOPERATION
AGREEMENTS WITH SPRING GARDEN TOWNSHIP, MANCHESTER TOWNSHIP,
WEST MANCHESTER TOWNSHIP, WEST YORK BOROUGH, NORTH YORK
BOROUGH AND YORK TOWNSHIP WITH RESPECT TO THE COLLECTION AND
TREATMENT OF MUNICIPAL SEWAGE WASTE.**

BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the City of York, York County, Pennsylvania (the “Municipality”), as follows:

SECTION 1: Legislative Intent and Applicability. The background of this Ordinance and the legislative intention of the Council of the City of York in enacting this Ordinance are as follows:

A. Manchester Township and West Manchester Township are Pennsylvania townships of the second class, Spring Garden Township and York Township are Pennsylvania townships of the first class, West York Borough and North York Borough are duly existing boroughs under the laws of the Commonwealth of Pennsylvania (the foregoing townships and boroughs collectively the “Connected Municipalities” and individually a “Connected Municipality”) and the City of York is a Third Class City of the Commonwealth.

B. As a result of and pursuant to individual agreements with the Connected Municipalities previously executed by the parties, as well as other subsequent agreements and amendments thereto, the Connected Municipalities and the City of York all share, participate in and contribute financially to the operation, maintenance and use of a regional wastewater treatment plant and interceptors (the “York System”) into which certain sewage wastes are treated.

C. 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.

D. The Connected Municipalities and York have determined and recognized a need to clarify, modify, and confirm their various agreements with respect to their rights and obligations pertaining to the operation, use and maintenance of the York System.

E. The Council of the City of York recognizes that it is in the best interest of the public health, safety and welfare of its citizens to continue to participate with the other Connected Municipalities in the operation, maintenance and use of the York System and to

document such participation by adopting and entering into agreements with those Connected Municipalities.

SECTION 2: Terms of the Agreements.

A. The terms, conditions, duration, requirements, purposes and objectives of the agreements among the Connected Municipalities to provide for the conveyance and treatment of sewage waste originating from and/or transmitted through the Connected Municipalities, including the powers and scope of authority delegated therein, manner and extent of financing, acquisition and allocation of treatment capacity and manner in which real and personal property will be acquired and managed as necessary, are set forth in the agreements with the Connected Municipalities (the “Agreements”), a copy of each of the agreements are attached to this Ordinance as “Exhibit A” and incorporated herein as if set forth in full.

B. The term of the Agreements shall be thirty (30) years.

C. The objectives of the Agreements are to provide, *inter alia*, for the treatment of certain sewage wastes that originate from, and are transmitted through, the Municipality and the Connected Municipalities, with each party having those powers, duties, obligations and authorities with respect to such objectives as specified in the Agreements.

D. Financing necessary to implement the terms and requirements of the Agreements shall be determined and implemented as necessary by the individual parties thereto and shall include, *inter alia*, the payment of certain operations, maintenance and administrative costs as well as the costs of capital additions, improvements and projects related thereto.

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

F. Each party is responsible for delivery of sewage wastes from its respective Municipality for treatment in the York System, with each party being responsible for acquisition and management of its own facilities for such delivery.

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

SECTION 3: Approval and Confirmation of Agreements. The Agreements by and among the Connected Municipalities and the City of York are hereby approved 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 Agreements. It is hereby declared as the intention of the Council of the City of York that this Ordinance and the Agreements 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 herein.

SECTION 5: Adoption of Ordinance. This Ordinance is adopted pursuant to the Intergovernmental Cooperation Act, 53 Pa. C.S.A. § 2301 *et seq.*, and the authority granted herein shall continue from year to year while the Connected Municipalities cooperate pursuant to the Agreements.

SECTION 6: Staff and Officials. The staff and officials of the Municipality are directed and empowered to take all actions necessary or convenient to implement this Ordinance and the Agreements.

SECTION 7: Inconsistency. All Ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 8: Effective Date. This Ordinance will become effective upon the date of enactment below as provided by law, with the Agreements being considered effective as of the date the last of the Connected Municipalities enacts and ordains an ordinance approving and confirming an Intergovernmental Cooperation Agreement with the City of York consistent in all material terms to the Agreement approved hereby. It is the specific intent of the Connected Municipality that the Agreement shall not be effective unless all Connected Municipalities approve and confirm an agreement materially identical to the Agreement approved hereby.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of York, Pennsylvania, that the Intergovernmental Cooperation Agreements between the City of York and the Connected Municipalities with respect to the collection and treatment of municipal sewage waste are hereby adopted.

PASSED FINALLY:

BY THE FOLLOWING VOTE:

YEAS: _____, _____, _____, _____, _____,

NAYS: _____.

ATTEST:

Carol Hill-Evans, President of Council

Dianna L. Thompson-Mitchell, City Clerk

Presented to the Mayor for approval this _____ day of _____, 2016.

Approved: _____
Mayor

Date

Vetoed: _____
Mayor

Date