

WEST WYOMING BOROUGH ORDINANCE NO. 2 OF 2019

An Ordinance of the Borough of West Wyoming Approving an Agreement with the Borough of Forty-Fort for the Provision of Department of Public Works Services in Accordance with the Pennsylvania Intergovernmental Cooperation Law, Act 177 of 1996, previously adopted as Act 180 of 1972.

WHEREAS, Section 2304 of the Pennsylvania intergovernmental Cooperation Law ("PICL") promulgates that a municipality by act of its governing body may, or upon being required by initiative and referendum in the area affected shall cooperate or agree in the exercise of any function, power or responsibility with or assume any function, power or responsibility from one or more other local governments, the Federal Government or any other state or its government; and

WHEREAS, Section 2305 of the of the Intergovernmental Cooperation Law allows a local government may enter in to intergovernmental cooperation with or delegate or assume any functions, powers or responsibilities to or from another governmental unit or local government upon the passage of an ordinance by its governing body; and

WHEREAS, The Borough of West Wyoming of Luzerne County, Pennsylvania requests the neighboring municipality of Forty Fort Borough, Luzerne County, Pennsylvania to perform certain Department of Public Works services in and for the benefit of West Wyoming residents; and

WHEREAS, the Borough of Forty Fort is willing to perform certain Department of Public Works services in and for the benefit of West Wyoming residents subject to the terms and conditions of the respective Intergovernmental Agreement incorporated herein by reference; and

WHEREAS, the respective municipalities have acted and intend to act pursuant to Article M, Section 5, of the Pennsylvania Constitution and 53 Pa. C. S. Section 2303, et seq., providing for intergovernmental cooperation; and

WHEREAS, Section 2307 of the Intergovernmental Cooperation Law states that the ordinance adopted by the governing body of a local government entering into intergovernmental cooperation for delegating or transferring or assuming any function, powers or responsibilities to or from another local government or to a council of governments, consortium or any other similar entity shall specify:

- (1) The conditions of agreement in the case of cooperation with or delegation to or from other local governments, the Commonwealth, other states or the Federal Government.
- (2) The duration of the term of the agreement.

- (3) The purpose and objectives of the agreement, including the powers and scope of authority delegated in the agreement.
- (4) The manner and extent of financing the agreement.
- (5) The organizational structure necessary to implement the agreement.
- (6) The manner in which real or personal property shall be managed.

WHEREAS, The Borough of West Wyoming wishes to enter into an agreement with the Borough of Fort-Fort for the provision of Department of Public Works services subject to the terms of the agreement in accordance with the PICL which is attached hereto as Exhibit "A" and incorporated herein by reference.

NOW, THEREFORE, BE IT HEREBY ENACTED AND ORDAINED by the Borough Council of the Borough of West Wyoming as follows:

SECTION ONE. Incorporation of Preamble.

The provisions set forth above in the preamble to this Ordinance are incorporated herein by reference in their entirety.

SECTION TWO. Conditions of Agreement

That the Borough of West Wyoming and the Borough of Forty Fort , shall comply with the terms of the agreement and any other laws, agreements or contracts which apply.

SECTION THREE. Severability

The provisions of this ordinance are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional such provisions shall not effect or impair remaining sections, clauses or sentences of the same.

SECTION FOUR. Effective Date.

This Ordinance shall take effect upon its enactment.


SECTION FIVE. Repealer.

Any Resolution or Ordinance or parts thereof that conflict with or are inconsistent with this Ordinance are hereby repealed to the extent of the conflict or inconsistency with this Ordinance.

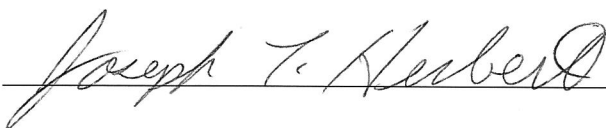
The Ordinance shall become effective upon adoption.

Enacted, ordained and approved this 17th day of April 2019.

Borough of West Wyoming:



Gary Stavish, Chairman of West Wyoming Borough Council



Joseph Herbert, Mayor of West Wyoming Borough

ATTEST:



Marie Pedley, Borough Administrator

