

Township of Conewago Ordinance No. 2004 – 2

AN ORDINANCE OF THE TOWNSHIP OF CONEWAGO, DAUPHIN COUNTY, PENNSYLVANIA, AUTHORIZING THE TOWNSHIP TO ENTER INTO AN AGREEMENT WITH MOUNT JOY TOWNSHIP, LANCASTER COUNTY, PENNSYLVANIA, TO PROVIDE FOR THE TEMPORARY REPAIR, REPLACEMENT OF, AND LONG-TERM MAINTENANCE OF THE KOSER ROAD BRIDGE OVER THE CONEWAGO CREEK.

BE IT ORDAINED AND ENACTED, by the Board of Supervisors of the Township of Conewago, and it is hereby enacted by the authority of the same as follows:

Section 1. Section 2332 (b) of the Second Class Township Code authorizes townships of the second class to enter into agreements to apportion the cost of construction, repair and maintenance of boundary roads and bridges. Mount Joy Township (“Mount Joy”) and Conewago Township (“Conewago”) are adjoining municipalities. The Conewago Creek forms the municipal boundary between Mount Joy and Conewago, and Koser Road contains a bridge over the Conewago Creek. Mount Joy and Conewago desire to enter into an agreement to provide for a temporary repair to the Koser Road Bridge (the “Bridge”), a project to replace the Bridge, and, thereafter, long-term maintenance of the Bridge.

Section 2. Conewago agrees that it will join with Mount Joy in accordance with the Pennsylvania Intergovernmental Cooperation Act by entering into an Agreement (the “Intermunicipal Agreement”) pursuant to Section 2332 (b) of the Second Class Township Code which is adopted by reference with the same effect as it if had been set out verbatim in this Section and a copy of which shall be filed with the minutes of the meeting at which this Ordinance was enacted.

Section 3. Conewago is authorized to enter into the Intermunicipal Agreement for the purposes contained therein. This action is to be taken by the officials or employees of Conewago designated for this purpose, pursuant to general or specific instructions the Board of Supervisors issues.

Section 4. As required by the Intergovernmental Cooperation Act, the following matters are specifically found and determined:

A. The conditions of the agreement are set forth in the Intermunicipal Agreement referred to in Section 2.

B. The Intermunicipal Agreement shall become effective upon execution by both Mount Joy and Conewago. The Intermunicipal Agreement shall continue indefinitely. Either Mount Joy or Conewago may terminate the Intermunicipal Agreement after completion of the project to replace the Bridge upon one year's written notice to the other Township.

C. The purposes and objectives of the Intermunicipal Agreement are to provide for the apportionment of the costs to repair, replace, and maintain the Bridge pursuant to Section 2332 (b) of the Second Class Township Code.

D. Mount Joy and Conewago shall each bear 50% of the costs to temporarily repair the Bridge up to the sum of \$7,500, plus the labor of their employees. Mount Joy and Conewago shall each be responsible for 50% of the costs of the project to replace the Bridge, and, thereafter, shall be responsible for 50% of the costs to maintain the Bridge.

E. No new organizational structure will be formed pursuant to the Intermunicipal Agreement.

F. Mount Joy and Conewago shall each own the rights-of-way and physical structures of Koser Road and the Bridge located within its respective municipal borders.

G. Mount Joy and Conewago each has the power to enter into contracts for policies of insurance or other employee benefits.

Section 5. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 6. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of Conewago as provided by law.

ENACTED AND ORDAINED into law this 14th day of July, 2004.

BOARD OF SUPERVISORS
TOWNSHIP OF CONEWAGO
DAUPHIN COUNTY, PENNSYLVANIA

ATTEST:
Shirley A. Bretz, Secretary
(SEAL)

By: Jay M. Brandt, Chairman

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