

ORDINANCE and AGREEMENT
for
INTERGOVERNMENTAL COOPERATION

Ordinance No. 272 of Upper Yoder Township, Cambria County

Ordinance No. 682 of Conemaugh Township, Somerset County

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF CONEMAUGH (SOMERSET COUNTY) AND THE TOWNSHIP OF UPPER YODER (CAMBRIA COUNTY) TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH RESPECT TO THE PROVISION OF PUBLIC SEWAGE SERVICE.

THIS ORDINANCE, ESTABLISHING AN AGREEMENT, pursuant to the Pennsylvania Intergovernmental Cooperation Law, 53 Pa. C. S. § 2303 et seq., is hereby approved and entered as of the latter date of adoption of the Ordinance by the Township of Conemaugh, Somerset County, and the Township of Upper Yoder, Cambria County, and effective the 1st day of January, 2011.

WITNESSETH:

WHEREAS, the respective municipalities provide public sewer service directly or through their established agencies or authorities, some of which service is most economically and reasonably provided to each others residents and which exists only as a minor part of each Township's public sewer service; and

WHEREAS, each municipality wishes to authorize the other to take actions necessary for operation and administration of the public sewer service to certain specified customers located outside their Township limits; 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. § 2303, et seq., providing for intergovernmental cooperation; and

WHEREAS, this Ordinance has been submitted to the governing bodies of the respective municipalities prior to the adoption of this Ordinance encompassing the terms and conditions contained hereunder; and

NOW, THEREFORE, It Is Hereby Ordained and Enacted and this Intergovernmental Cooperation Agreement is approved, in consideration of the various covenants, promises, and conditions hereinafter set forth and for other good and valuable consideration receipt of which is hereby acknowledged, it is hereby authorized and agreed by and between the

Township of Conemaugh, Somerset County and the Township of Upper Yoder, Cambria County as follows:

1. The Township of Conemaugh, Somerset County is authorized to provide public sewer service to those properties, to which it has heretofore provided or agreed to provide public sewer service, by itself or through its designated agency, located in Upper Yoder Township, Cambria County, as listed on the attached Exhibit "A", hereinafter sometimes, "service by Conemaugh". Conemaugh Township may not provide service to any other customers located within Upper Yoder Township without the formal written consent, authorized at a public meeting, of the Upper Yoder Township Board of Supervisors.

2. The Township of Upper Yoder is authorized to provide public sewer service, to which it has heretofore provided or agreed to provide public sewer service, by itself or through its designated agency or Authority, to those properties listed on the attached Exhibit "B", hereinafter sometimes, "service by Upper Yoder". Upper Yoder Township may not provide service to any other customers located within Conemaugh Township without the formal written consent, authorized at a public meeting, of the Conemaugh Township Board of Supervisors.

3. In providing the extra-territorial service authorized in paragraphs 1 and 2 above, each Township hereby authorizes the other to avail itself of all remedies, rights and privileges to establish rules, operate the public sewer system and compel connection to the public sewer system as authorized by Article XXV of the Second Class Township Code, and the Mandatory Tap Ordinances, Ordinance Nos. 54 and 265, as the same may be amended from time to time, in Upper Yoder Township and Ordinance No. 614, as the same may be amended from time to time, in Conemaugh Township, together with all rights of a municipality to file and enforce municipal liens to enforce the payment of charges and to pursue any other right of enforcement or remedy afforded by law. In matters involving initial hookup of extraterritorial customers, the municipality providing service outside its boundaries shall enforce its municipal rules regarding decommissioning of septic tanks. In matters involving enforcement and filing municipal liens, the municipality providing service outside its boundaries shall provide notice to the other municipality of the placement of liens.

4. The Township of Conemaugh and the Township of Upper Yoder each agree and promise to treat any public sewer service customer physically located outside of each Township according to the same rates, rules and regulations, as the same may be amended from time to time, as apply to customers located inside the Township. Each Township ratifies and confers upon the other the right to prosecute violation of such Ordinance's rules and regulations imposed by the sewer service provider on its customers.

5. This Ordinance and the Agreement adopted herewith shall constitute a binding agreement and shall be sufficient warrant and authority for the officers and officials as appointed by each Township to perform and execute their duties and activities upon the authorized properties in the other Township.

6. The officers and officials of each Township, acting with respect to extra-territorial customers coming under the terms of this Agreement shall be at all times under the immediate supervision, direction and control of the Township providing public sewer service. Questions, comments or complaints concerning the provision of services outside of each Township pursuant to this Ordinance and Agreement shall be presented in writing to the Board of Supervisors of the Township providing the service. Any comments so received shall be answered in writing within five (5) days of the next regularly scheduled meeting of the Township Supervisors.

7. Without waiving the defense of sovereign or governmental immunity as may be available in any particular case, each Township shall indemnify and hold harmless the other from any liability imposed solely through the acts of the Township providing public sewage service outside its geographic limits .

8. The term of this Agreement shall commence 5 days from the date of Adoption and shall continue until the 31st day of December, 2011. This Agreement shall automatically renew unless either party gives notice at least 120 days prior to expiration of any term of its desire to revoke or modify this Agreement.

9. Each Township agrees to assist and cooperate, at no cost to the other Township, in any grant application for funds or equipment which in the opinion of the township may be used or useful in providing services under this Agreement. Any equipment or property acquired pursuant thereto shall be and remain the sole property of Township acquiring it.

10. The Agreement expressed in this Ordinance shall, upon adoption, be binding and shall inure to the benefit of the parties hereto and their respective Authorities, agents, successors and assigns.

11. This Ordinance shall not be deemed in force until the Ordinance has been adopted by both Upper Yoder Township and Conemaugh Township.

IN WITNESS OF THE PROPER ADOPTION OF THIS ORDINANCE AND APPROVAL OF THE INTERGOVERNMENTAL COOPERATION AGREEMENT SET FORTH HEREIN, the duly appointed officers of the governing bodies of the respective municipalities have hereunto have set forth their hands and seals.

Adopted by the TOWNSHIP OF UPPER YODER as Ordinance No. 272 on the 17th day of March, 2011.

ATTEST:

Mary Kay Mather
Secretary

UPPER YODER TOWNSHIP

By: Ed Buzala
Chairman of the Board of Supervisors

Adopted by the TOWNSHIP OF CONEMAUGH as Ordinance No. 682 on the 16th day of MARCH, 2011.

ATTEST:

Cindy Walypak
Secretary

TOWNSHIP OF CONEMAUGH

By: Steve Boud
Chairman of the Board of Supervisors

ROLLING HILLS ESTATES PROPERTIES

	HOUSE NUMBER	STREET	LOT NO.	
1	100	ROLLING HILLS ROAD	19	
2	101	ROLLING HILLS ROAD	18	
3	107	ROLLING HILLS ROAD	17	
4	108	ROLLING HILLS ROAD	20	
5	114	ROLLING HILLS ROAD	21	
6	115	ROLLING HILLS ROAD	16	
7	119	ROLLING HILLS ROAD	15	
8	122	ROLLING HILLS ROAD	22	
9	125	ROLLING HILLS ROAD	14	
10	129	ROLLING HILLS ROAD	13	
11	130	ROLLING HILLS ROAD	23	
12	137	ROLLING HILLS ROAD	12	
13	138	ROLLING HILLS ROAD	24	
14	145	ROLLING HILLS ROAD	11	LAND ONLY
15	146	ROLLING HILLS ROAD	25	
16	153	ROLLING HILLS ROAD	10	
17	154	ROLLING HILLS ROAD	1	
18	162	ROLLING HILLS ROAD	2	LAND ONLY
19	165	ROLLING HILLS ROAD	9	
20	170	ROLLING HILLS ROAD	3	LAND ONLY
21	177	ROLLING HILLS ROAD	8	
22	178	ROLLING HILLS ROAD	4	
23	186	ROLLING HILLS ROAD	5	
24	CONEMAUGH TWP.		6	
25	CONEMAUGH TWP.		7	

EXHIBIT "A"

CONEMAUGH TOWNSHIP RESIDENCES

HOUSE NUMBER		STREET
2339		FRANKLIN STREET
2340		FRANKLIN STREET
2345		FRANKLIN STREET
2347		FRANKLIN STREET
2346		FRANKLIN STREET
2405		FRANKLIN STREET
2415	*	FRANKLIN STREET
92		WILSHIRE BLVD
103		WILSHIRE BLVD
110	*	WILSHIRE BLVD
114	*	WILSHIRE BLVD
133	SUITE 142	TIRE HILL ROAD
133	SUITE 140	TIRE HILL ROAD
137		TIRE HILL ROAD
141		TIRE HILL ROAD

* TO BE TAPPED INTO UYTA SYSTEM

EXHIBIT "B"