

ORDINANCE NO. 1762007

AN ORDINANCE FOR THE TOWNSHIP OF TILDEN, COUNTY OF BERKS, PENNSYLVANIA, AUTHORIZING THE TOWNSHIP TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR THE PURPOSE OF THE IMPLEMENTATION OF THE JOINT COMPREHENSIVE PLAN FOR NORTHERN BERKS COUNTY.

WHEREAS, the Borough of Hamburg, the Borough of Strausstown, the Township of Tilden, the Township of Upper Bern, the Township of Upper Tulpehocken and the Township of Windsor, all and each of which are located entirely within the County of Berks, Commonwealth of Pennsylvania, desire to implement the Joint Comprehensive Plan for Northern Berks County pursuant to the Pennsylvania Municipalities Planning Code and the Pennsylvania Intergovernmental Cooperation Act; and

WHEREAS, the Board of Supervisors of the Township of Tilden desires to adopt an Ordinance pursuant to the Pennsylvania Municipalities Planning Code and the Pennsylvania Intergovernmental Cooperation Act to authorize the Township to execute the Joint Comprehensive Plan for Northern Berks County Inter-Governmental Agreement in order to implement said Comprehensive Plan.

NOW, THEREFORE, the Township does hereby ordain the following:

SECTION 1. Purpose. The purpose of the Joint Comprehensive Plan for Northern Berks County Inter-Governmental Agreement (the "Agreement") is to implement the Joint Comprehensive Plan for Northern Berks County (the "Comp Plan").

SECTION 2. Grant of Power. This Ordinance is adopted pursuant to authority granted in the Pennsylvania Intergovernmental Cooperation Act, Act 177 of 1996, 53 Pa.C.S.A., Section 2301, et seq., as amended, the Second Class Township Code, 53 P.S. Section 65101, et seq., as amended, or as it may be amended from time to time, and Article XI of the Pennsylvania Municipalities Planning Code.

SECTION 3. Participation and Authority to Enter Agreement. Pursuant to and in accord with the above-referenced authority, the Township of Tilden is hereby authorized and does hereby declare its intention to enter into the Agreement with the Borough of Strausstown, the Borough of Hamburg, the Township of Upper Bern, the Township of Upper Tulpehocken, and the Township of Windsor (collectively, the "Participants"), which governs the Participants, and the implementation of the Comp Plan in accordance with the authority granted in the above referenced laws and this Ordinance. A copy of the Agreement is attached to this Ordinance and incorporated

herein by reference.

SECTION 4. Authorizations and Ratification.

(a) The Chairman of the Board of Supervisors of the Township of Tilden is hereby authorized and directed on behalf of the Township, (i) to execute and deliver the Agreement, and (ii) to execute and deliver such additional instruments, and to take such further actions, as may be necessary or appropriate to carry forth the Agreement and the transactions to be effected under the Agreement.

(b) All necessary and appropriate actions of any officer, agent or other representative of the Township of Tilden heretofore taken in the pursuit of the Agreement and/or the Township's participation therein, are hereby ratified and approved in all respects.

(c) The Board of Supervisors of the Township of Tilden is hereby authorized to take such other action as may be necessary or appropriate to carry out the purposes of this Ordinance and of the Agreement.

SECTION 5. Justification for Agreement. As required by the Pennsylvania Intergovernmental Cooperation Act, 53 Pa.C.S.A. Section 2307, the following matters are specifically found and determined:

(a) The conditions of the Agreement are set forth in the Agreement.

(b) The Township shall participate in the Comp Plan for an indefinite term, or withdraw upon a one-year written notice to the other Comp Participants.

(c) The purpose and objectives of the Agreement are as set forth in the Agreement.

(d) The Agreement will require no financing.

(e) No organizational structure will be necessary to implement the Agreement.

(f) No property, real or personal, shall be acquired, managed, licensed or disposed of pursuant to the Agreement.

(g) Contracts will not be empowered pursuant to the terms of the

Agreement.

SECTION 6. Repeal of Ordinances. Any ordinance, parts of ordinances, resolution or parts of resolutions conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provisions.

SECTION 7. Severability. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Board of Supervisors of the Township of Tilden, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

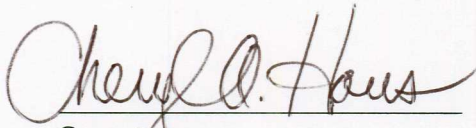
SECTION 8. Effective Date. This Ordinance shall become effective at the earliest date permitted by law.

SECTION 9. Code of Ordinances. The Code of Ordinances, as amended, of the Township of Tilden, Berks County, Pennsylvania shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of this Code of Ordinances upon adoption.

ENACTED AND ORDAINED this 3rd day of March, 2007.

ATTEST:

TOWNSHIP OF TILDEN
BOARD OF SUPERVISORS


Secretary

