

**NORTH MIDDLETON TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2008-10

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF NORTH MIDDLETON TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT FOR THE ESTABLISHMENT AND OPERATION OF A JOINT UCC BOARD OF APPEALS UNDER 35 P.S. § 7210-501(c)

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of North Middleton, Cumberland County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1: SHORT TITLE

This Ordinance shall be known and cited as the Joint UCC Board of Appeals Agreement Ordinance.

SECTION 2: LEGISLATIVE INTENT AND APPLICABILITY

The background of this Ordinance and the legislative intention of the Board of Supervisors in enacting it are as follows:

A. The Township of North Middleton ("North Middleton") is a township of the second class.

B. The Act of December 19, 1996, P.L. 1158, No. 177, referred to as the Intergovernmental Cooperation Law, 53 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.

C. North Middleton Township ("North Middleton") and Upper Frankford Township desire to establish a joint UCC Board of Appeals under 35 P.S. § 7210-501(c) and 34 Pa. Code § 403.121 to serve the residents of both municipalities.

D. The Board of Supervisors determines that it is in the best interest of the public health, safety and welfare of its citizens to conduct and maintain the joint UCC Board of Appeals in cooperation with Upper Frankford Township.

SECTION 3: TERMS OF THE AGREEMENT

A. The conditions of participation, duration, purpose and objectives of the Agreement, including the powers and scope of authority delegated therein, manner and extent of financing, organizational structure necessary to implement the Agreement and

manner in which the UCC will be managed and set forth in the Intermunicipal Agreement Between North Middleton Township and Upper Frankford Township ("Agreement"), a copy of which Agreement is attached to this Ordinance as Exhibit "A" and incorporated herein as if set forth in full in this Ordinance.

B. Any additional required funding or alteration to the terms of the Agreement for implementation and performance of the Agreement may be appropriated by the Board of Supervisors as it shall determine, in its sole discretion, from time to time.

C. Real and personal property may be acquired, managed or disposed of under this Ordinance.

SECTION 4: AUTHORITY TO ENTER AGREEMENT

The Chairman of the Board of Supervisors of North Middleton Township is hereby authorized to execute all documents and perform all actions necessary to cause the Township to enter the Agreement.

SECTION 5: 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, section or parts of this Ordinance.

It is hereby declared as the intention of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, phrase, section or part thereof had not been included therein.

SECTION 6: REPEALER

Any other Ordinance or parts thereof inconsistent with this Ordinance be and are hereby expressly repealed.


SECTION 7: EFFECTIVE DATE

This Ordinance shall become effective as provided by law. The Agreement shall be effective upon the effective date of the Intergovernmental Cooperation Ordinance later enacted by the parties.

CERTIFICATE

I, the undersigned, Secretary of the Township of North Middleton, Cumberland County, Pennsylvania (the "Township"), certify that: the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township (the "Board"), which duly was enacted by affirmative vote of a majority of the members of the Board at a meeting held on November 6, 2008; said Ordinance duly has been recorded in the Ordinance Book of the Township; said Ordinance duly has been published as required by law; and said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 7 day of November, 2008.



Secretary

(SEAL)


ADOPTED AND ORDAINED this 6th day of November, 2008.

ATTEST:




Township Secretary

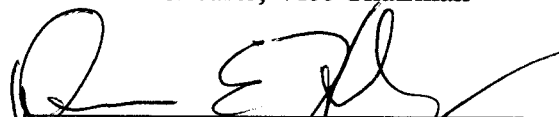
NORTH MIDDLETON TOWNSHIP
BOARD OF SUPERVISORS



Richard A. Bucher, Chairman




Robert H. Shearer, Vice Chairman



Dennis E. Hurley, Member



Harry Kelso, Member



Robert A. Reisinger, Member

September 30, 2008

The Sentinel
457 East North Street
P.O. Box 130
Carlisle, PA 17013

Attention: Legal Advertising

Re: North Middleton Township
Proposed Ordinance No. 2008-10
Request for Advertisement/Public Notice

Dear Sir or Madam:

Kindly publish the attached public notice for Proposed Ordinance No. 2008-10 in the legal notice section of The Sentinel on the weeks of October 13, 2008 and October 20, 2008. Please contact my office to verify receipt of this publication. I have included herewith a complete copy of the Proposed Ordinance for your records. Please forward your bill for advertising along with proof of publication of the same directly to:

Ms. Deborah A. Ealer, Township Manager
North Middleton Township
2051 Spring Road
Carlisle, PA 17013

Very truly yours,

Deborah A. Ealer, Manager

Enclosure



NORTH MIDDLETON TOWNSHIP

2051 Spring Road, Carlisle, PA 17013-1059

OFFICE (717) 243-8550 • FAX (717) 243-1135 • POLICE (717) 243-7910

Attention: Librarian
Cumberland County Law Library
Cumberland County Courthouse
1 Courthouse Square
Carlisle Pa. 17013

Date: October 7, 2008

RE: Proposed Ordinance #2008-10

Dear Sir or Madam:

Attached you will find a copy of Proposed Ordinance #2008-10. Public hearing for Ordinance #2008-10 will be held November 6, 2008, at the North Middleton Township Building, at 6:40 pm. Being the current Codes Enforcement Officer and Permit Official, I hereby attest that this is a true and correct copy of the proposed ordinance.

Paul M. Fegley

Codes Enforcement Officer
North Middleton Township

PUBLIC NOTICE

The Board of Supervisors of North Middleton Township will hold a hearing to take public comment on proposed Ordinance No. 2008-10 entitled AN ORDINANCE AUTHORIZING THE TOWNSHIP OF NORTH MIDDLETON TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT FOR THE ESTABLISHMENT AND OPERATION OF A JOINT UCC BOARD OF APPEALS UNDER 35 P.S. § 7210-501(c) during their regularly scheduled Board of Supervisors meeting at 6:40 p.m. on Thursday, November 6, 2008, or any other time which the Public Hearing may be continued by the Board of Supervisors, at the North Middleton Township Municipal Building, 2051 Spring Road, Carlisle, Pennsylvania 17013.

The proposed Ordinance is for the purpose of authorizing the Township of North Middleton to enter into an Intergovernmental Cooperation Agreement for the establishment and operation of a Joint UCC Board of Appeals under 35 P.S. § 7210-501(c).

At the conclusion of the public comment scheduled at the regularly scheduled Board of Supervisors meeting at 6:40 p.m. on Thursday, November 6, 2008, or any other time to which the public hearing is continued by the Board of Supervisors, the North Middleton Township Board of Supervisors will consider passage of proposed Ordinance No. 2008-10, entitled AN ORDINANCE AUTHORIZING THE TOWNSHIP OF NORTH MIDDLETON TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT FOR THE ESTABLISHMENT AND OPERATION OF A JOINT UCC BOARD OF APPEALS UNDER 35 P.S. § 7210-501(c). The proposed Ordinance is for the purpose of authorizing the Township of North Middleton to enter into an Intergovernmental Cooperation Agreement for the establishment and operation of a Joint UCC Board of Appeals under 35 P.S. § 7210-501(c). The proposed Ordinance contains a severability clause, continuation date and an effective date. A copy of the proposed Ordinance as drafted, may be examined without charge or obtained for a charge not greater than the cost thereof at the North Middleton Township Municipal Building, 2051 Spring Road, Carlisle, Pennsylvania 17013, during regularly scheduled business hours. In addition, the North Middleton Code and Zoning Ordinances reflecting the proposed changes are also of record at the Cumberland County Law Library and have been provided to the Sentinel newspaper and the Sentinel newspaper is in possession of a complete copy of the amendments and Ordinance. Interested citizens are invited to attend the above-referenced meeting of North Middleton Township.

Mark W. Allshouse, Esquire
Solicitor for North Middleton Township