

# ALBURTIS CODIFIED ORDINANCES

## Chapter 6

### Intergovernmental Cooperation

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## Chapter 6 — Intergovernmental Cooperation

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**Article I — Pa. Local Government Investment Trust**

**§ 6-101 Declaration of Trust.**

This municipality shall join with other municipalities in accordance with the Pennsylvania Intergovernmental Cooperation Act by becoming a settlor of the Pennsylvania Local Government Investment Trust (the “Trust”) and entering into the Declaration of Trust, which is adopted by reference with the same effect as if it had been set out verbatim in this section and a copy of which shall be filed with the minutes of the meeting at which Ordinance 214 was adopted (September 9, 1981).

[Ord. 415 10-29-2003]

## § 6-102 Purchase of Shares Authorized.

This municipality is authorized to purchase shares in the Trust from time to time with available municipal funds, and to redeem some or all of those shares from time to time as funds are needed for municipal purposes. These actions are to be taken by the officers designated for this purpose, pursuant to general or specific instructions by Borough Council.

[Ord. 415 10-29-2003]

## § 6-103 Custody of Funds.

The Trustees of the Trust are designated as having official custody of this municipality's funds which are invested by the purchase of shares in the Trust.

[Ord. 415 10-29-2003]

## § 6-104 Findings.

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 Declaration of Trust referred to in § 6-101;

(b) This municipality's participation in the Trust shall be terminable at any time by ordinance;

(c) The Declaration of Trust and the purchase of its shares are for the purpose of investing this municipality's funds in obligations which are otherwise legal investments as part of a pooled arrangement with other governmental units, thereby achieving economic and other advantages of pooled investments;

(d) It is not necessary to finance the agreement authorized herein from municipal funds except through the purchase of shares in the Trust;

(e) The Trust shall be managed by a Board of Trustees as set forth in the Declaration of Trust and the By-Laws provided for therein; and

(f) Shares may be purchased and redeemed from time to time as this municipality may determine to be necessary or appropriate to meet its cash investment requirements.

[Ord. 415 10-29-2003]

## Article II — Solid Waste Management

### § 6-201 Lehigh County Solid Waste Association.

The Borough of Alburdis is hereby empowered to enter into agreements with other municipalities and public bodies in Lehigh County for the purpose of the formation of the Lehigh County Solid Waste Association and the completion and implementation of a Solid Waste Management Plan for Lehigh County in accordance with the following general terms:

(a) The Borough of Alburdis commits itself to participation as an active member in the Lehigh County Solid Waste Association.

(b) The Borough of Alburdis designates Lehigh County as coordinating agency of the completion and implementation of the Joint Planning Commission, Lehigh-Northampton Counties, Solid Waste Management Plan.

(c) The Borough of Alburdis will joint with other participating municipalities in the establishment of a budget and other related fiscal activities necessary to the establishment of a Solid Waste Management Plan for Lehigh County.

(d) The Borough of Alburdis agrees to share in the costs of the planning process on a per capita basis to a maximum of thirty cents (30¢) per resident.

(e) The Borough of Alburdis agrees to designate one individual to represent its interests on the Lehigh County Solid Waste Association.

(f) The Lehigh County Solid Waste Association shall be established by the County of Lehigh *only* upon the commitment of a majority of Lehigh County municipalities, inclusive of the City of Allentown, to participate in such organization.

(g) The Lehigh County Solid Waste Association shall be organized only after the participation of the County of Lehigh as evidenced by an ordinance adopted by the Lehigh County Board of Commissioners inclusive of a financial commitment, from year to year, matching that of the participating municipalities.

[Ord. 415 10-29-2003]

### § 6-202 Further Action.

Such further action as may be required of the Borough of Alburdis from time to time by the terms of this Article shall be by document bearing the signature of a Borough officer or designee, upon authorization of the Borough Council.

[Ord. 415 10-29-2003]

## Article III — Multi-Municipal Comprehensive Planning

### § 6-301 Intergovernmental Cooperation Agreement for Multi-Municipal Comprehensive Plan.

(a) **Agreement.** The Borough of Alburtis shall enter into an Agreement with the Borough of Macungie and the Townships of Lower Macungie, Lower Milford, and Upper Milford in the form attached to Ordinance 394 as **Exhibit A**, which is incorporated into this Article by reference, *provided that* the governing bodies of the other participating municipalities shall also approve the execution of the Agreement. The President (or Vice President) of Borough Council is hereby authorized and directed to execute the Agreement on behalf on the Borough upon the approval of the Agreement by all of the participating municipalities.

(b) **Emmaus Addendum.** The Borough of Alburtis shall enter into an Addendum with the Boroughs of Macungie and Emmaus, and the Townships of Lower Macungie, Lower Milford, and Upper Milford in the form attached to Ordinance 406, which is incorporated into this Article by reference, *provided that* the governing bodies of the other participating municipalities shall also approve the execution of the Addendum. The President (or Vice President) of Borough Council is hereby authorized and directed to execute the Addendum on behalf on the Borough upon the approval of the Agreement by all of the participating municipalities.

[Ord. 415 10-29-2003]

### § 6-302 Intergovernmental Cooperation Agreement for a Grant from Lehigh County.

The Borough of Alburtis shall enter into an Agreement with the County of Lehigh, the Borough of Macungie, and the Townships of Lower Macungie, Lower Milford, and Upper Milford in the form attached to Ordinance 394 as **Exhibit B**, which is incorporated into this Article by reference, *provided that* the governing bodies of the other participating political subdivisions shall also approve the execution of the Agreement. The President (or Vice President) of Borough Council is hereby authorized and directed to execute the Agreement on behalf on the Borough upon the approval of the Agreement by all of the participating municipalities.

[Ord. 415 10-29-2003]

### § 6-303 Application for State Grant.

The Borough of Alburtis hereby authorizes the Borough of Macungie to make application on behalf of the Borough of Alburtis for a grant from the Pennsylvania Department of Community and Economic Development to finance one-half of the cost of the project described in the Agreement under § 6-301(a).

[Ord. 415 10-29-2003]

**§ 6-304 Financial Contribution.**

In accordance with the Agreement under § 6-301(a), Borough Council hereby allocates municipal resources in the amount of Nine Thousand Four Hundred Ninety Dollars (\$9,490.00) to the project described in that Agreement.

[Ord. 415 10-29-2003]

**§ 6-305 Intergovernmental Cooperation Agreement to Implement Multi-Municipal Comprehensive Plan.**

The Borough of Alburdis shall enter into an Agreement with the Boroughs of Emmaus and Macungie and the Townships of Lower Macungie, Lower Milford, and Upper Milford in the form attached to Ordinance 433 as **Exhibit A**, which is incorporated into this Article by reference, *provided that* the governing bodies of the other participating municipalities shall also approve the execution of the Agreement and adopt the multi-municipal comprehensive plan in the form approved by the Borough of Alburdis. The President (or Vice President) of Borough Council is hereby authorized and directed to execute the Agreement on behalf on the Borough upon the approval of the Agreement and multi-municipal comprehensive plan by all of the participating municipalities.

[Ord. 433 01-26-2005]

**§ 6-306 Intergovernmental Cooperation Agreement to Revise and Update Multi-Municipal Comprehensive Plan.**

The Borough of Alburdis shall enter into an Intermunicipal Agreement with the Boroughs of Emmaus and Macungie and the Townships of Lower Macungie, Lower Milford, and Upper Milford in the form attached to Ordinance 527 as **Exhibit A**, which is incorporated into this Article by reference, *provided that* the governing bodies of the other participating municipalities shall also approve the execution of the Agreement. The President (or Vice President) of Borough Council is hereby authorized and directed to execute the Agreement on behalf on the Borough upon the approval of the Agreement by all of the participating municipalities.

[Ord. 527 02-11-2015]

**§ 6-307 Intergovernmental Cooperation Agreement to Implement 2017 Multi-Municipal Comprehensive Plan.**

The Borough of Alburdis shall enter into an Agreement with the Boroughs of Emmaus and Macungie and the Townships of Lower Macungie, Lower Milford, and Upper Milford in the form attached to Ordinance 549 as **Exhibit A**, which is incorporated into this Article by reference, *provided that* the governing bodies of the other participating municipalities shall also approve the execution of the Agreement. The President (or Vice President) of Borough Council is

hereby authorized and directed to execute the Agreement on behalf on the Borough upon the approval of the Agreement by all of the participating municipalities.

[Ords. 544 12-27-2017, 549 11-14-2018]

## **Article IV — Sidewalk Projects**

### **§ 6-401 Park Lane Sidewalk Restoration Project–CDBG Agreement with Lehigh County.**

The Borough of Alburdis shall enter into an Agreement with the County of Lehigh in the form attached to Ordinance 405, which is incorporated into this Section by reference, *provided that* the governing body of the County shall also approve the execution of the Agreement. The President (or Vice President) of Borough Council is hereby authorized and directed to execute the Agreement on behalf on the Borough.

[Ord. 415 10-29-2003]

## **Article V — Erosion, Sediment Pollution, and Stormwater Management Control**

### **§ 6-501 Memorandum of Understanding with Lehigh County Conservation District.**

The Borough of Alburdis shall enter into a Memorandum of Understanding with the Lehigh County Conservation District in the form attached to Ordinance 529 as **Exhibit A**, which is incorporated into this Article by reference. The President (or Vice President) of Borough Council is hereby authorized and directed to execute the Memorandum of Understanding on behalf on the Borough.

[Ords. 435 08-31-2005, 529 03-11-2015]

## **Article VI — Administration of Uniform Construction Code**

**§ 6-601 Intergovernmental Agreement to Create Joint Board of Appeals with the Borough of Macungie and the Townships of Lower Milford and Upper Milford to Hear and Rule Upon Appeals, Requests for Variances, and Requests for Extensions of Time in the Administration and Enforcement of the Uniform Construction Code as Adopted in Each Municipality as its Building Code.**

The Borough of Alburdis shall enter into an Intergovernmental Agreement with the Borough of Macungie, the Township of Lower Milford, and the Township of Upper Milford, in the form attached to Ordinance 464 as **Exhibit A**, which is incorporated into this Article by reference, *provided that* the governing bodies of each of the other parties shall also adopt an ordinance to approve the execution of the Agreement. The President (or Vice President) of Borough Council is hereby authorized and directed to execute the Agreement on behalf on the Borough upon the approval of the Agreement by the governing bodies of the other parties.

[Ords. 464 12-12-2007, 480 02-01-2009]

**§ 6-602 Intergovernmental Cooperation Agreement with Lower Macungie Township Regarding the Administration of Site Development and Building Code Matters for the Approved Development Project on the Property Commonly Known as Lots 9 and 10 of the Spring Creek Properties Settlement Subdivision.**

The Borough of Alburdis shall enter into an Agreement with the Township of Lower Macungie in the form attached to Ordinance 566 as **Exhibit 1** (including Exhibit A to Exhibit 1), which is incorporated into this Article by reference, *provided that* the Commissioners of the Township of Lower Macungie shall also approve the execution of the Agreement. The President (or Vice President) of Borough Council is hereby authorized and directed to execute the Agreement on behalf on the Borough upon the approval of the Agreement by the Commissioners of the Township of Lower Macungie.

[Ord. 566 04-28-2021]

## Article VII — Commonwealth Agreements

### § 6-701 Electronic Access License Agreement with PennDOT for dotGrants System.

The Borough of Alburytis shall enter into an Intergovernmental Agreement with the Commonwealth of Pennsylvania, Department of Transportation (“**PennDOT**”) in the form attached to Ordinance 477, which is incorporated into this Article by reference. Steven R. Hill, the President of Borough Council, and Sharon Trexler, the Executive Secretary of the Borough, are hereby authorized and directed to execute and attest, respectively, the Intergovernmental Agreement on behalf on the Borough, and to execute and attest all other documents which may be necessary or convenient to bring the Intergovernmental Agreement into effect.

[Ords. 477 12-29-2008, 480 02-01-2009]

## Article VIII — Cooperative Purchasing Agreements

### § 6-801 Agreement for Participation in the Central Westmoreland Council of Government’s Vehicle Purchasing Program.

The Borough of Alburytis shall enter into an Intergovernmental Agreement with the Central Westmoreland Council of Governments in the form attached to Ordinance 480, which is incorporated into this Article by reference, in order to participate in the Central Westmoreland Council of Government’s Vehicle Purchasing Program. Steven R. Hill, the President of Borough Council, and Sharon Trexler, the Executive Secretary of the Borough, are hereby authorized and directed to execute and attest, respectively, the Intergovernmental Agreement on behalf on the Borough, and to execute and attest all other documents which may be necessary or convenient to bring the Intergovernmental Agreement into effect.

[Ord. 480 02-01-2009]

## Article IX — Mutual Aid Agreements

### § 6-901 Police Mutual Aid Agreement with the Borough of Macungie.

The Borough of Alburytis shall enter into an Agreement with the Borough of Macungie in the form attached to Ordinance 530 as **Exhibit A**, which is incorporated into this Article by ref-

erence, *provided that* the Borough Council of the Borough of Macungie shall also approve the execution of the Agreement. The President (or Vice President) of Borough Council is hereby authorized and directed to execute the Agreement on behalf on the Borough upon the approval of the Agreement by the Borough Council of the Borough of Macungie.

[Ord. 530 03-25-2015]

## Appendix

### ¶ 6-A Disposition of Ordinance 214.

<u>Ordinance 214</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ I	never codified to 1981 Code	§ 6-101
§ II	“	§ 6-102
§ III	“	§ 6-103
§ IV	“	§ 6-104
§ V (effective date)		

### ¶ 6-B Disposition of Ordinance 222.

<u>Ordinance 222</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ 1	never codified to 1981 Code	§ 6-201
§ 2	“	§ 6-202

### ¶ 6-C Disposition of Ordinance 394.

<u>Ordinance 394</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ 1	never codified to 1981 Code	§ 6-301(a)
§ 2	“	§ 6-302
§ 3	“	§ 6-303
§ 4	“	§ 6-304

### ¶ 6-D Disposition of Ordinance 405.

<u>Ordinance 405</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
Entire ordinance	never codified to 1981 Code	§ 6-401

**¶ 6-E Disposition of Ordinance 406.**

<u>Ordinance 406</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
Entire ordinance	never codified to 1981 Code	§ 6-301(b)

**¶ 6-F Source Ordinances.**

Ordinance 214	09-09-1981
Ordinance 222	12-29-1982
Ordinance 394	03-27-2002
Ordinance 405	05-28-2003
Ordinance 406	05-28-2003
Ordinance 415	10-29-2003
Ordinance 433	01-26-2005
Ordinance 435	08-31-2005
Ordinance 464	12-12-2007
Ordinance 477	12-29-2008
Ordinance 480	02-11-2009
Ordinance 527	02-11-2015
Ordinance 529	03-11-2015
Ordinance 530	03-25-2015
Ordinance 544	12-27-2017
Ordinance 549	11-14-2018
Ordinance 566	04-28-2021

**¶ 6-G Cross-Reference.**

*See also* the following provisions for additional intergovernmental cooperation agreements:

<u>Topic</u>	<u>2003 Codified Ordinances</u>
Water Interconnection Agreement with Lehigh County Authority	§ 64-801

<u>Topic</u>	<u>2003 Codified Ordinances</u>
Western Lehigh municipalities sewer agreement	§ 65-1601
Lower Macungie Township Sewer Transmission Agreement	§ 65-1604
Sewer Capacity Assurance and Rehabilitation Program MOU— Investigation and Evaluation Phase	§ 65-1607
Sewer Capacity Assurance and Rehabilitation Program MOU— Allocation of Development Flow Credits for Conveyance	§ 65-1608
Emergency management	§ 71-101