

**ORDINANCE NO. 2009-02**

**AN ORDINANCE AUTHORIZING HAMILTONBAN TOWNSHIP TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT FOR PARTICIPATION IN THE ADAMS COUNTY GREEN SPACE GRANT PROGRAM.**

**BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Hamiltonban Township, 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 may be cited as the Adams County Green Space Grant Program Participation Ordinance (“Ordinance”).

**SECTION 2: LEGISLATIVE INTENT AND APPLICABILITY**

The background of this Ordinance and the legislative intention of the [Borough Council/ Board of Supervisors] in enacting it are as follows:

A. Hamiltonban Township is a Pennsylvania second class township.

B. The Act of December 19, 1996, P.L. 1158, No. 177, as amended, referred to as the Intergovernmental Cooperation Law, 53 Pa. 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. The Adams County Green Space Grant Program (“Program”) was established by the Board of Commissioners of Adams County for the purpose of open space preservation for the benefit of County residents, pursuant to authority contained in the Act of January 19, 1968, P.L. 992 (1967), as amended, referred to as the Open Space Lands Act, 32 P.S. §§ 5001, *et seq.*

D. The Board of Supervisors of Hamiltonban Township, Adams County, Pennsylvania, determines that it is in the best interest of the public health, safety and welfare of its citizens to participate in the Program.

**SECTION 3: TERMS OF THE INTERGOVERNMENTAL COOPERATION AGREEMENT**

A. The conditions of membership, duration, purpose and objectives of the Program, including the powers and scope of authority delegated therein, manner and extent of financing, organizational structure necessary to implement the Program, and manner in which real and personal property, and/or an interest in property, will be acquired and managed are set forth in the Intergovernmental Cooperation Agreement (“ICA”), for Municipal Participation in the Program, and in the Program Guidelines, copies of which are attached to this Ordinance as Exhibit “A” and incorporated herein as if set forth in full.

B. Any funds for the Program may be appropriated by the Board of Commissioners of Adams County as it shall determine, in its sole discretion, from time to time.

C. Real and personal property, and/or an interest in property, may be acquired and managed under this Ordinance.

**SECTION 4: AUTHORITY TO ENTER AGREEMENT**

The Chairman of the Board of Supervisors of Hamiltonban Township is hereby authorized to execute all documents and perform all actions necessary to cause the Hamiltonban Township to enter the ICA

**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, sections or parts of this Ordinance.

It is hereby declared as the intention of the Board of Supervisors of Hamiltonban Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, phrase, section or part thereof 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 ICA shall be effective upon the effective date of the Ordinance last enacted by the parties.

ENACTED AND ORDAINED this 3<sup>rd</sup> of March, 2009.

ATTEST:

HAMILTONBAN TOWNSHIP

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LuAnn M. Dille, Secretary

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Robert L. Gordon, Chairman