

**ORDINANCE NO. 2 of 2020**

**AN ORDINANCE OF THE BOROUGH OF PLYMOUTH APPROVING AN AGREEMENT WITH THE TOWNSHIP OF PLYMOUTH FOR THE PROVISION OF FIRE PROTECTION SERVICES IN ACCORDANCE WITH THE PENNSYLVANIA INTERGOVERNMENTAL COOPERATION LAW, ACT 177 OF 1996, PREVIOUSLY ADOPTED AS ACT 180 OF 1972.**

**WHEREAS**, Section 2304 of the Pennsylvania Intergovernmental Cooperation Law ("PICL") promulgates that a municipality by act of its governing body may, or upon being required by initiative and referendum in the area affected shall, cooperate or agree in the exercise of any function, power or responsibility with or assume any function, power or responsibility from one or more other local governments, the Federal Government or any other state or its government; and

**WHEREAS**, Section 2305 of the Intergovernmental Cooperation Law allows a local government may enter into intergovernmental cooperation with or delegate or assume any functions, powers or responsibilities to or from another governmental unit or local government upon the passage of an ordinance by its governing body; and

**WHEREAS**, the Township of Plymouth has sought for several years to cooperate with neighboring municipalities to provide for essential community services; and

**WHEREAS**, the Township of Plymouth has a need for full time fire protection service to protect its residents on a 24 hour a day, 7 day a week basis; and

**WHEREAS**, the Borough of Plymouth has a fully functional professional fire department of sufficient size and capability to provide services to the Township of Plymouth; 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**, Section 2307 of the Intergovernmental Cooperation Law states that the Ordinance adopted by the governing body of a local government entering into intergovernmental cooperation for delegating or transferring or assuming any functions, powers or responsibilities to or from another local government or to a council of governments, consortium or any other similar entity shall specify:

- (1) The conditions of agreement in the case of cooperation with or delegation to or from other local governments, the Commonwealth, other states or the Federal Government.
- (2) The duration of the term of the agreement.
- (3) The purpose and objectives of the agreement, including the powers and scope of authority delegated in the agreement.

- (4) The manner and extent of financing the agreement.
- (5) The organizational structure necessary to implement the agreement.
- (6) The manner in which real or personal property shall be managed.

**WHEREAS**, the Borough of Plymouth wishes to enter into an agreement with the Township of Plymouth for the provision of fire protection services subject to the terms of the agreement in accordance with the PICL which is attached hereto as Exhibit 'A' and incorporated herein by reference.

**NOW, THEREFORE, BE IT HEREBY ENACTED AND ORDAINED by the Council of the Borough of Plymouth as follows:**

**SECTION ONE. Incorporation of the Preamble.**

The provisions set forth above in the preamble to this Ordinance are incorporated herein by reference in their entirety.

**SECTION TWO. Conditions of Agreement**

That the Borough of Plymouth and Township of Plymouth, shall comply with the terms of the agreement and any other laws, agreements or contracts which apply.

**SECTION THREE: Severability**

The provisions of this Ordinance are severable and if any section, sentence, clause, or part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction such decision of the court shall not affect the remaining sections, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough that such Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION FOUR. Effective Date.**

This Ordinance shall become effective as provided for in § 3301.3 (b) of the Borough Code.

**SECTION FIVE. Repealer.**

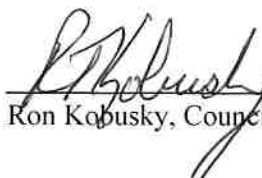
Any Resolution or Ordinance or parts thereof that conflict with or are inconsistent with this Ordinance are hereby repealed to the extent of the conflict or inconsistency with this Ordinance.

ORDAINED and ENACTED, this 10<sup>th</sup> day of March 2020 at a regularly scheduled meeting of Council.

ATTEST:

  
\_\_\_\_\_  
Holly Spece, Sec./Treas.

BOROUGH OF PLYMOUTH:

  
\_\_\_\_\_  
Ron Kobusky, Council President

[seal]

APPROVED:

  
\_\_\_\_\_  
Frank Coughlin, Mayor

VETO:

\_\_\_\_\_  
Frank Coughlin, Mayor

3/10/20  
\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Date Vetoed