

ORDINANCE NO.

AN ORDINANCE OF THE TOWNSHIP OF \_\_\_\_\_, \_\_\_\_\_ COUNTY, PENNSYLVANIA, AUTHORIZING ENTERANCE INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT ESTABLISHING THE BRANDYWINE VALLEY SCENIC BYWAY COMMISSION WITH THE TOWNSHIPS OF BIRMINGHAM, EAST BRADFORD, EAST MARLBOROUGH, KENNETT, PENNSBURY, POCOPSON, AND CHADDS FORD FOR THE GOVERNENCE, MANAGEMENT, IMPLEMENTATION, OVERSIGHT, OPERATION AND ADMINISTRATION OF THE BRANDYWINE SCENIC BYWAY.

PREAMBLE

WHEREAS, the Township of \_\_\_\_\_ (hereinafter “\_\_\_\_\_”) and the Townships of Birmingham, East Bradford, East Marlborough, Kennett, Pennsbury, Pocopson, and Chadds Ford (hereinafter “Townships”) desire to form a commission to study, advocate for, seek funding for, and implement Township approved plans for the improvement and protection of the Brandywine Valley Scenic Byway (hereinafter “Byway”) pursuant to the Intergovernmental Cooperation Agreement Establishing the Brandywine Valley Scenic Byway Commission dated \_\_\_\_\_, 2005 (hereinafter “Agreement”); and

WHEREAS, the power to enter into agreements to cooperate in powers and responsibilities, include agreements for the enhancement and conservation of the Commonwealth of Pennsylvania’s scenic byways is granted by the Constitution of the Commonwealth of Pennsylvania, Article 9, § 5, the Second Class Township Code, 53 P.A. § 66507, and the Intergovernmental Cooperation Act, 53 Pa C.S.A. § 2301, et seq.; and

WHEREAS, the Board of Supervisors of \_\_\_\_\_, pursuant to the provisions of § 2305, of the Intergovernmental Cooperation Act, is authorized to enter into an agreement delegating its functions, powers, and responsibilities to the Brandywine Valley Scenic Byway Commission (hereinafter “Commission”) upon the passage of this ordinance.

NOW, THEREFORE, the Board of Supervisors of the Township of \_\_\_\_\_, \_\_\_\_\_ County, Pennsylvania hereby enacts and ordains:

SECTION 1: AUTHORIZATION TO ENTER INTO INTERGOVERNMENTAL COOPERATION AGREEMENT ESTABLISHING THE BRANDYWINE VALLEY SCENIC BYWAY COMMISSION

a. The Board of Supervisors hereby ordains to enter into the Agreement establishing the Commission between \_\_\_\_\_ and the Townships to study, advocate for, seek funding for, and implement Township approved plans for the improvement and protection of the Byway, as well as, exercise any necessary power implied by statute. The conditions of the Agreement are set forth in the Agreement referred to the Preamble hereof.

## SECTION 2: TERMS OF AGREEMENT

In accordance with § 2307 of the Intergovernmental Cooperation Act, the Board of Supervisors hereby declares that:

- a. The Agreement provides that the Commission shall be created to have the responsibility and authority to study, advocate for, seek funding for, and implement approved plans for the improvement and protection of the Byway, as well as, exercise any necessary power implied by statute. The conditions of the Agreement are set forth in the Agreement referred to in Section 1.
- b. The Agreement shall have a term that runs from the date of execution of this ordinance and shall remain in effect until December 31, 2007; and it shall thereafter be automatically renewed for successive 5-year terms commencing on January 1, 2008, unless terminated by the Townships in accordance with the terms of the Agreement.
- c. The purpose and objectives of the Commission include but are not limited to:
  - (1) Study and recommend a corridor management plan; and
  - (2) Educate the Townships, their residents, and visitors on the scenic, historical, cultural, recreational, natural importance of the Byway; and
  - (3) Apply for, receipt of, and disbursement of funds for use in conjunction with the Byway; and
  - (4) Research to provide guidance for the continuing enhancement of the Byway.
- d. The Township shall pay an initial annual contribution of \$ 500.00. The amount to be paid in succeeding years shall be determined every two years as recommended by the Commission and approved through the Commission budget approval process. Each Township contribution will be subject to the individual Township's Board of Supervisors approval. All additional funding will be applied for, secured, acquired and received from municipal, state, federal, private or other sources.
- e. The Agreement will be implemented by the formation of the Brandywine Valley Scenic Byway Commission. The Commission shall be managed as set forth in the Agreement and the bylaws developed by the Commission.
- f. The Commission shall have the authority to enter into contracts for policies of group insurance and employee benefits.

SECTION 3. AMENDMENTS TO THE INTEGVERNMENTAL AGREEMENT FOR THE BRANDYWINE VALLEY SCENIC BYWAY COMMISSION

The Board of Supervisors of the Township hereby ordains that it may execute such amendments to the Agreement as may be necessary from time to time to carry out the purposes of this ordinance and the Agreement adopted thereto.

SECTION 4. SEVERABILITY

If any sentence, clause, section, or part of this Ordinance is for any reason found unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

ENACTED AND ORDAINED, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

ATTEST:

BOARD OF SUPERVISORS  
\_\_\_\_\_ TOWNSHIP

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