

ORDINANCE NO. 2008-9

AN ORDINANCE OF ROCKWOOD BOROUGH, SOMERSET COUNTY,  
PROVIDING FOR INTERGOVERNMENTAL COOPERATION BETWEEN  
ROCKWOOD BOROUGH AND ANY OTHER LOCAL GOVERNMENT UNITS,  
AND AUTHORIZING COOPERATION AND AGREEMENT IN THE  
EXERCISE OF ANY FUNCTION, POWER OR RESPONSIBILITY OF  
ROCKWOOD BOROUGH WITH AND TO OTHER LOCAL GOVERNMENTS,  
AND TO DELEGATE OR TRANSFER FUNCTIONS, POWERS, OR  
RESPONSIBILITIES TO OTHER LOCAL GOVERNMENTS, AS ALLOWED  
BY ACT NO. 177 OF DECEMBER 19, 1996 (53 P.C.S.A. SECTION 2301 ET SEQ.).

WHEREAS, the Council of the Borough of Rockwood has found that it will be in the best interest of the health, safety, and welfare of the residents of this Borough to enter into various cooperative agreements with other local government units; and

WHEREAS, the Council of the Borough of Rockwood has found it to be in the best interest of the health, welfare, and safety of the residents of this Borough to enact an Ordinance to provide for cooperation with other local government units, and to share certain functions, powers, and responsibilities with other governmental units; and

WHEREAS, specific authority for the adoption of this Ordinance is found in that statute passed by the General Assembly on December 19, 1996, P.L. 1158, known as Act No. 177 of 1996, as from time to time amended, and codified as 53 P.C.S.A. §2301 et seq.; and

NOW, THEREFORE, be it, and it is hereby ORDAINED and ENACTED, by the Borough of Rockwood, that this Ordinance be adopted as follows:

SECTION 1. SHORT TITLE:

This Ordinance may be referred to as the “Rockwood Borough Intergovernmental Cooperation Ordinance.”

SECTION 2. DEFINITIONS:

It is concluded that Rockwood Borough classifies as a local government unit as defined in

Act No. 177 of December 19, 1996; see 53 P.C.S.A. §2302. And, it is also concluded that the other boroughs, townships, and school districts in Somerset County also classify as local government units by the same definition.

**SECTION 3. PURPOSE OF ORDINANCE:**

The purpose of this Ordinance is to specifically comply with the provisions of the said Act No. 177 of December 19, 1996, and to allow Council to enter into specific agreements with other local government units for any and all purposes and conditions which may be allowed by the laws of the Commonwealth of Pennsylvania, provided that each specific instance of intergovernmental cooperation shall be accomplished only after the approval of, and execution of separate written agreement, which agreement shall contain all the necessary terms and conditions of that specific example of intergovernmental cooperation, the same to be approved by subsequent resolution of Borough Council.

**SECTION 4. AGREEMENTS TO BE ADOPTED BY RESOLUTION:**

By the authority conferred upon it by Act No. 177 of December 19, 1996, the Council of Rockwood Borough does hereby proclaim its intention to enter into various agreements with other government units within Somerset County which would allow for the exercise of any function, power, or responsibility of Rockwood Borough along with those of the other government units, as well as allowing Rockwood Borough to delegate certain functions, powers, or responsibilities to other local government units, provided that the same are accomplished by specific agreements between the respective local government units, and provided that the said specific agreements are approved by subsequent resolution of Borough Council.

SECTION 5. SPECIFIC PURPOSE - POLICE SERVICES:

Without limiting the generality of the intent of Council as stated in this Ordinance, it is hereby declared to be the intention of Rockwood Borough Council that one of the specific purposes for the adoption of this Ordinance is to be the intergovernmental cooperation between Rockwood Borough and Rockwood Area School District, Milford Township and Black Township, for the provision of police services by Rockwood Borough to these other local government units, all of which to be done in accordance with terms of a separate specific agreement to be approved by the respective government unit, and to be executed, separately, by each, after the adoption of this Ordinance. The specific intention of Rockwood Borough Council is that any provision of police services by Rockwood Borough to the other local government units shall be in compliance with the Borough Code, being Act No. 581 of February 1, 1966, as amended, specifically being Section 1122 thereof (53 P.S. §46122) and Section 1202 thereof [53 P.S. §46202 (35)], with the Second Class Township Code, being Act No. 60 of November 9, 1995 as amended, specifically being Section 1507 thereof (53 P.S. §66507) and Section 1903 thereof (53 P.S. §66903), and with that statute known as the Municipal Police Jurisdiction Act, Act No. 141 of June 15, 1982, as amended, 42 P.C.S.A. §8951 et seq., in particular 42 P.C.S.A. §8953 (e).

SECTION 6. SPECIFIC PURPOSE - AFFIRMATION OF EXISTING AGREEMENTS:

Without limiting the generality of the foregoing, it is acknowledged that the adoption of this Ordinance is intended to be consistent with decisions of the Court of Common Pleas of Somerset County interpreting that law referred to as the Intergovernmental Cooperation Act. Therefore, it is the intention of Council to ratify and affirm any currently existing agreements

with any of the local government units named herein, regardless of the effective date of this Ordinance.

SECTION 7. SEVERABILITY AND REPEALER:

If any provision or portion of this Ordinance, for any reason, is found to be unconstitutional, illegal, or invalid by a Court of appropriate jurisdiction, such decision shall not affect or impair the validity of any of the remaining portions or parts of this Ordinance. It is hereby declared that the intent of Rockwood Borough is that this Ordinance would have been adopted even if such provisions or parts found to be unconstitutional, illegal, or invalid had not been included in the original Ordinance. Any and all Ordinances inconsistent herewith are hereby repealed.


SECTION 8. EFFECTIVE DATE:

This Ordinance shall be effective immediately upon the date of enactment.

ENACTED and ORDAINED on this, the 15<sup>th</sup> day of April 2008.

Attest:

ROCKWOOD BOROUGH

  
Secretary

By Donald Wainick  
President

EXAMINED and APPROVED this 15<sup>th</sup> day of April 2008.

  
Mayor