

ORDINANCE NO. 11-2008

NORTH NEWTON TOWNSHIP  
CUMBERLAND COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF NORTH NEWTON TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA AUTHORIZING, APPROVING AND ADOPTING AN INTERGOVERNMENTAL COOPERATIVE AGREEMENT IMPLEMENTING THE WESTERN CUMBERLAND COUNTY COUNCIL OF GOVERNMENTS JOINT COMPREHENSIVE PLAN CREATED BY AND AMONG THE PARTICIPANTS LISTED BELOW:

DICKINSON TOWNSHIP  
NEWVILLE BOROUGH  
SOUTH NEWTON TOWNSHIP  
UPPER MIFFLIN TOWNSHIP

LOWER FRANKFORD TOWNSHIP  
NORTH NEWTON TOWNSHIP  
UPPER FRANKFORD TOWNSHIP  
WEST PENNSBORO TOWNSHIP

WHEREAS, pursuant to the provisions of Chapter 23, Subchapter A, Intergovernmental Cooperation, of the General Local Government Code, 53 PA. C.S.A. 2301 et. Seq. ("Intergovernmental Cooperation Law"), local governments may enter into intergovernmental cooperation agreements with other governmental units for the exercise or performance of their respective governmental functions, powers or responsibilities upon passage of an Ordinance by its governing body; and

WHEREAS, each of the above referenced municipalities have adopted the Western Cumberland County Council of Governments Joint Comprehensive Plan as their comprehensive plan pursuant to the requirements of Article III of the Municipalities Planning Code; and

WHEREAS, the Board of Supervisors of North Newton Township believes that it is in the best interest of its citizens to adopt this Ordinance ratifying an Intergovernmental Cooperative Implementation Agreement in order to form a Joint Comprehensive Plan Steering Committee to include one representative from each of the eight above referenced municipalities plus the Big Spring School District and thereby implement the goals and objectives of the Plan.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED and it is hereby adopted by the Board of Supervisors of North Newton Township as follows:

SECTION 1:

The preamble recited above is incorporated by reference herein.

SECTION 2:

The Board of Supervisors of North Newton Township shall enter into the Intergovernmental Cooperative Implementation Agreement attached hereto, incorporated by reference herein and labeled "Exhibit A" and "Appendix A", or in substantially the same form, relating to forming a Joint Comprehensive Plan Steering Committee as a planning advisory board to meet the goals, objectives, and policies of the Western Cumberland County Council of Governments Joint Comprehensive Plan.

SECTION 3:

A copy of the Intergovernmental Cooperative Implementation Agreement, in the form so presented to this meeting and so approved, shall be filed with the Borough Secretary and shall be made available at reasonable times to interested persons requesting such inspection.

SECTION 4:

The Chairman of the Board of Supervisors and Township Secretary are authorized to execute, to attest, to acknowledge, and to deliver the said Intergovernmental Cooperative Implementation Agreement.

SECTION 5:

Proper officers of North Newton Township are authorized and directed to execute all documents and to do other acts as may be necessary and proper to carry out this Ordinance and the undertaking of this Township.

SECTION 6:

The initial term of the Agreement shall commence upon execution of the Agreement, will be valid for a term of one (1) year from January 15, 2009 and will be automatically renewable. Any of the eight participating municipalities may terminate their participation in the agreement by providing written notification to each of the participating municipalities at least sixty (60) days prior to the January 15<sup>th</sup> annual automatic renewal date.

SECTION 7:

All other Ordinances or parts of Ordinances inconsistent herewith shall be and the same are expressly repealed.

SECTION 8:

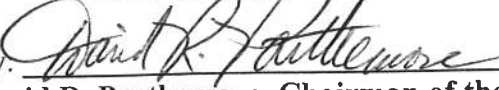
In the event that any provision, section, sentence, clause, or portion of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or portion of this Ordinance; it being the intent that such remainder shall be and shall remain in full force and effect.

SECTION 9:


This Ordinance shall take effect immediately.

**DULY ENACTED AND ORDAINED** this 11th Day of November, 2008, by the Board of Supervisors of North Newton Township, Cumberland County, Pennsylvania, in lawful session duly assembled.

**NORTH NEWTON TOWNSHIP**

By:   
**David R. Parthemore, Chairman of the Board**

**ATTEST:**

  
**Bonnie L. Myers, Township Secretary**

**APPENDIX A**

**INTERGOVERNMENTAL COOPERATIVE  
IMPLEMENTATION AGREEMENT**

THIS INTERGOVERNMENTAL COOPERATIVE AGREEMENT IMPLEMENTING THE Western Cumberland County Council of Governments Joint Comprehensive Plan is created by and among the participants listed below:

- |                        |                          |
|------------------------|--------------------------|
| Dickinson Township     | Lower Frankford Township |
| Newville Borough       | North Newton Township    |
| South Newton Township  | Upper Frankford Township |
| Upper Mifflin Township | West Pennsboro Township  |

- These participants are also referred to as municipalities in this agreement.

The Big Spring School District and the Cumberland County Planning Commission are also participants in the implementation agreement.

**SECTION I: AUTHORIZATION AND EFFECTIVE DATE OF ADOPTION**

- A. This agreement is adopted pursuant to the authority set forth in the Intergovernmental Cooperation Act of December 19, 1966, 53 PA.C.S.A. and Article XI of the Municipalities Planning Code, as amended.
- B. This agreement shall be effective upon approval by the governing body of each of the participants adopting this agreement.

**SECTION II: BACKGROUND**

Each of the Municipalities has adopted the Western Cumberland County Council of Governments Joint Comprehensive Plan as their comprehensive plan pursuant to the requirements of Article III of the Municipalities Planning Code (the "MPC"). Each of the Municipalities has agreed to implement the adopted Plan by revising, to the extent each deems appropriate, relevant ordinances (zoning, subdivision regulations, sewage facilities plans, official map) to bring each into consistency with the adopted plan.

### **SECTION III: PURPOSE**

- A. The Joint Comprehensive Plan Steering Committee is the planning advisory body for the Plan, and includes representatives from eight municipalities and the Big Spring School District. The goal of the municipalities is to preserve and protect their quality of life through preservation of natural areas, increased economic development, and provision for future growth in appropriate areas.
- B. It is the desire of the municipalities to encourage responsible development that respects the Region's sensitive environmental features and character, enhances the historical quality of the region, preserves environmental features and agricultural areas, efficiently uses public infrastructure, and strengthens the regional tax base. Through multi-municipal cooperation and planning, the Plan intends to:
  - 1. Preserve, maintain and enhance the region's quality of life, rural character, agricultural economy, cultural heritage and natural resources.
  - 2. Guide development in an appropriate manner, so as not to overtax community resources or promote conflict.
  - 3. Strive for a balance between diversity and the ability of divergent opinions to coexist.
  - 4. Support, enhance, and consider the region's municipal services during all decision making in the development process.
  - 5. Emphasize the proper utilization and stewardship of the region's resources.
  - 6. Develop mutual relationships and regularly communicate among the members. Develop and maintain regional levels of consistency in policy and procedure.
- C. The purpose of this Intergovernmental Cooperative Implementation Agreement is to achieve the objectives cited in Section B above by implementing the Plan.
- D. The further purpose of this Implementation Agreement is to comply with the provisions of Section 1104 of the MPC.

### **SECTION IV: GOALS, OBJECTIVES, AND POLICIES AND IMPLEMENTATION ROLES AND RESPONSIBILITIES**

- A. The goals, objectives and policies of the Plan will help guide and shape new growth and development in the eight municipalities for the next 10 years. The goals, objectives and policies set forth in the Plan are reaffirmed by this agreement.

- B. By adopting the agreement, the participants hereby define their roles and responsibilities for implementing the Plan. The Plan will be implemented by undertaking actions, as described in this agreement, that are consistent with the Plan.

#### **SECTION V: ADOPTION OF CONFORMING ORDINANCES AND PLANS**

Upon adoption of the Plan, each Municipality agrees to implement the Plan by adopting, amending, or otherwise conforming its relevant ordinances as necessary so that they are generally consistent with the Plan. These relevant ordinances and plans include the zoning ordinance, the subdivision and land development ordinance, the Sewage Facilities Plan, the official map and other development regulations authorized by the MPC.

#### **SECTION VI: CREATION AND ROLE OF THE STEERING COMMITTEE**

The Steering Committee shall serve as the advisory body for municipalities that have agreed to implement the Joint Comprehensive Plan under the Agreement.

- A. Membership: Each participating municipality and the school district shall have one vote on the Steering Committee. They may be represented by Planning Commission members, elected supervisors, or others whom the municipality's governing body or school district may designate.
- B. Meetings: The Steering Committee shall meet quarterly to review each municipality's proposed changes to relevant ordinances, above, and proposed subdivisions and land developments of regional significance (see Section VII,C)
- C. Reporting: The Steering Committee shall submit a report at the conclusion of each quarterly meeting to the Cumberland County Planning Commission (CCPC) outlining changes of relevant ordinances and recommendations regarding each municipality's proposed subdivisions and land developments of regional significance.

#### **SECTION VII: ROLE OF THE CCPC**

- A. Reviews of Plans and Ordinances: The CCPC will conduct consistency reviews of changes made to relevant ordinances and proposed subdivisions and land developments of regional significance as well as carry out its responsibilities as the county planning commission. The CCPC will send copies of its reviews to each participating municipality.

- B. Reviews of Subdivisions and Land Developments of Regional Significance:  
Under this agreement, the CCPC will conduct reviews of subdivisions and land developments meeting the criteria set forth in Section VII-C. In addition, the CCPC will continue to conduct such reviews as are necessary to carry out its responsibilities as the county planning commission. The CCPC will send copies of the reviews to the participants.
- C. Developments of Regional Significance: For the purpose of this agreement, a development or regional significance shall be defined as “any land development that, because of its character, magnitude or location will have substantial effect upon the health, safety or welfare of citizens in more than one municipality.” Determination of regional significance in the planning area shall be based on the following guidelines:
1. Any residential land development or subdivision that results in the creation of 50 lots or more, or results in the development of 50 units or more.
  2. Any subdivision or land development that has the potential to generate substantial amounts of traffic, or adverse environmental impacts, in a municipality other than the municipality in which the subdivision or land development is located.
  3. Any portion of a subdivision of 25 or more lots or land development of 20,000 square feet or more of floor area that falls within 300 feet of a municipal boundary.
  4. Any non-residential commercial, retail, office, service, institutional, industrial, sports complex or recreational land development in which the floor area of the building(s) or building addition(s) equals or exceeds 20,000 square feet.
  5. Any airport, trucking terminal or sanitary landfill.
- D. General Consistency Guidelines: When evaluating participant plans or ordinances or any amendments thereto for general consistency, the CCPC shall determine if there is a “reasonable, rational, similar connection or relationship” between the plan, map(s), regulations or ordinance of each participant and the provisions of the Plan. To be generally consistent, any plans, maps, regulations or ordinances submitted to the CCPC shall be in accord with provisions of the Plan regarding the following:
1. The amount, location, density, intensity, character and timing of future land uses;
  2. Preservation of natural and historic resources such as wetlands, aquifer recharge zones, woodlands, steep slopes, prime agricultural land, flood plains, unique natural areas, historic sites and features;

3. Provision of adequate housing opportunities with a variety of housing types and densities;
4. Location, timing and character of transportation facilities, community facilities, including water, sewer, storm water, parks, recreation and other utilities.

## **SECTION VIII: ROLE OF THE MUNICIPALITIES**

- A. Host Municipalities: Municipalities in which a subdivision or land development application is filed that meets the criteria set forth in Section VII-C of this agreement, shall notify the other municipalities of such application at or prior to the quarterly Steering Committee meeting. In taking action on the subdivision or land development, the host municipality shall consider the comments provided by the other municipalities. Proposed plans or ordinances included within Section V shall be communicated to the other municipalities at or prior to the quarterly Steering Committee meeting for review and comment. Host municipalities shall consider the comments provided by the other municipalities.
- B. Other Municipalities: Upon notification of proposed ordinances or plans, or subdivisions or land developments of regional significance, municipalities should consider the proposal as it relates to the Plan as well as their effect upon the health, safety or welfare of citizens. Comments provided by the CCPC should also be considered. The other municipalities are encouraged to provide advisory comments and recommendations to the host municipality.

## **SECTION IX: MUNICIPAL PLANNING COMMISSIONS**

Each municipality shall retain its own planning commission. Each municipal planning commission will review those subdivisions and land developments that are proposed within its own municipality, and then provide advisory comment to its elected officials. Recommendations of the municipal planning commission should be guided by the Plan and be consistent with its goals, objectives and policies. The municipal planning commission shall continue to perform all actions and functions as authorized by the MPC.

## **SECTION X: MUNICIPAL ZONING HEARING BOARDS**

Each municipality shall retain its individual zoning hearing boards. These boards shall carry out all functions as set forth in the MPC. In considering applications before it, the municipal zoning hearing board should be guided by the Plan and take actions consistent with its goals, objectives and policies.



## **SECTION XI: MUNICIPAL ZONING**

Each participating municipality retains the right to adopt and administer its own individual zoning ordinance and map. Two or more participating municipalities may adopt and administer Joint Zoning Ordinances pursuant to the provisions of the Pennsylvania Municipalities Planning Code as amended.

## **SECTION XII: MUNICIPAL SUBDIVISION AND LAND DEVELOPMENT ORDINANCES**

Subdivision and land development powers shall only be exercised by the municipality in which the property where the approval is sought. Under no circumstances shall a subdivision or land development application in one municipality be required to undergo more than one approval process.

## **SECTION XIII: PLAN AMENDMENT PROCEDURES**

Any amendment of the Western Cumberland County Council of Governments Joint Comprehensive Plan and the redefinition of any designated categories/areas within the Future Land Use Plan shall be in accordance with the provisions of this Section and Article III of the Pa Municipalities Planning Code.

The Steering Committee shall implement the procedures established pursuant to Section VI-C of this agreement. Any and all proposed amendments to the Joint Comprehensive Plan and redefinitions of the above-cited areas shall be effective only upon approval by resolution of each of the municipal governing bodies.

## **SECTION XIV: AMENDMENTS TO THE IMPLEMENTATION AGREEMENT**

- A. Requirements: An amendment to this Implementation Agreement may be made only with the consent of all the Participants, each of which shall execute the amendment.
- B. Consistency with the Plan: No amendment to this Implementation Agreement shall be inconsistent with the Plan. Any amendment that is not generally consistent with the Plan shall be void.
- C. Notice of Amendment: A true and complete copy of every amendment of the Implementation Agreement shall be provided to each Participant within ten (10) day of the full execution thereof or its effective date, whichever is sooner.

**SECTION XV: SEVERABILITY**

The unenforceability or invalidity of any provision of this Agreement shall not affect the enforceability or validity of any other provision.

Agreed to this 14 day of Sept 2008.

Not Participating  
for Dickinson Township

Martin J. Feagly  
for Lower Frankford Township

Sh. M.  
for South Newton Township

James E. Arnold Sr.  
for Upper Frankford Township

Thomas W. J.  
for Big Spring School District

Cherene J. H.  
for Newville Borough

David L. Patterson  
for North Newton Township

Walter H. Heine  
for West Pennsboro Township

Walter S. Beaton  
for Upper Mifflin Township

John D.  
for Cumberland County Planning  
Commission