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## Chapter 5 — Municipal Authorities

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## **Article I — Alburtis Borough Authority (Water Authority)**

### **§ 5-101 Declaration of Intent.**

The Council of the Borough of Alburtis hereby signifies its intention and desire to organize an Authority under provisions of the Act of May 2, 1945, P.L. 382, known as the “Municipality Authorities Act of 1945,” as amended and supplemented [*see* 56 PA. CONS. STAT. § 5601 *et seq.*] (hereinafter called the “Authorities Act”), for the purpose of exercising any and all powers conferred by the Authorities Act.

### **§ 5-102 Articles of Incorporation.**

The Burgess, President of Council and Secretary, respectively, of this Borough hereby are authorized and directed to execute, on behalf of this Borough, Articles of Incorporation for such Authority in substantially the form set forth in Appendix ¶ 5-A, which is incorporated into this Section by reference.

### **§ 5-103 Publication of Notice.**

The Burgess, President of Council and Secretary, respectively, of this Borough hereby are authorized and directed to cause notice of the substance of this Chapter, including the substance of the foregoing Articles of Incorporation, and of the proposed filing of such Articles of Incorporation, to be published once in a newspaper published and of general circulation in the County of Lehigh, Pennsylvania, and once in the legal journal published in and for the County of Lehigh, Pennsylvania, as required by the Authorities Act.

### **§ 5-104 Authorization and Direction to Incorporate Authority.**

The Burgess, President of Council and Secretary, respectively, of this Borough hereby are authorized and directed to cause such Articles of Incorporation, together with necessary proofs of publication, to be filed with the Secretary of the Commonwealth of Pennsylvania, and to do all other acts and things necessary or appropriate to effect the incorporation of such Authority, including payment of any filing fees necessary in connection therewith.

**§ 5-105 Appointment of First Authority Board Members.**

The following named persons shall be and they hereby are appointed as first members of the Board of the Authority for the following terms of office:

<u>Name</u>	<u>Address</u>	<u>Term of Office (Number of Years)</u>
Harold L. Kruse	22 Front Street Alburtis, Pennsylvania	5 Years
Gordon W. King	124 Main Street Alburtis, Pennsylvania	4 Years
Richard McGinley	211 Main Stsreet Alburtis, Pennsylvania	3 Years
Arthur S.W. Kern	(No number) Main Street Alburtis, Pennsylvania	2 Years
Simeon Sell	American Hotel, Main Street Alburtis, Pennsylvania	1 Year

**§ 5-106 Necessity for Enactment.**

The enactment of this Chapter is deemed necessary for the benefit of and preservation of the public health, peace, comfort, and general welfare of, and will increase the prosperity of, citizens of this Borough.

**§ 5-107 Amendment of Articles to Extend Term of Existence to February 21, 2058.**

The Borough of Alburtis approves and adopts the following amendment to the Articles of the Alburtis Borough Authority, as proposed by the Board of the Alburtis Borough Authority:

The following language shall be added to the Articles of the Alburtis Borough Authority: “The term of existence of the Authority shall be increased so that its term of existence shall expire on February 21, 2058.”

## **Article II — Borough of Albutis Sewer Authority**

### **§ 5-201 Declaration of Intent.**

Albutis Borough Council hereby signifies its intention and desire to organize an Authority under provisions of the Act of May 2, 1945, P.L. 382, as amended and supplemented [*see* 56 PA. CONS. STAT. § 5601 *et seq.*], for the purpose of doing all things necessary for the construction and operation of a sewage waste collection and disposal system for the Borough of Albutis.

### **§ 5-202 Articles of Incorporation.**

The President and Secretary of Albutis Borough Council, together with the Mayor, are hereby authorized and directed to execute, on behalf of said Borough, Articles of Incorporation for a Municipal Authority in substantially the form set forth in Appendix ¶ 5-B, which is incorporated into this Section by reference.

### **§ 5-203 Publication of Notice.**

The President of Council and the Secretary of Council of this Borough are authorized and directed to cause notice of the substance of the foregoing Articles of Incorporation to be published as required by the Municipalities Authorities Act of 1945.

### **§ 5-204 Authorization and Direction to Incorporate Authority.**

The President of Council and the Secretary of Council of this Borough are authorized and directed to file such Articles of Incorporation and the necessary proofs of publication with the Secretary of the Commonwealth of Pennsylvania, and to do all other things necessary to effect the incorporation of such Authority, including payment of the required filing fees.

### **§ 5-205 Appointment of First Authority Board Members.**

The following named persons are appointed the first members of the Board of the Authority for the term of office noted:

<u>Name and Address</u>	<u>Term of Office</u>
Wesley A. Landis 206 Front St., Albutis, Pa.	5 yrs.

C. Lamont Steedle Jr. 244 Main St., Alburtis, Pa.	4 "
Raymond K. Adams 275 Walnut St., Alburtis, Pa.	3 "
Charles H.F. Knerr 728 Franklin St., Alburtis, Pa.	2 "
Leon H. Trexler 160 School St. Alburtis, Pa.	1 "

**§ 5-206      Amendment of Articles to Extend Term of Existence to February 21, 2058.**

The Borough of Alburtis approves and adopts the following amendment to the Articles of the Borough of Alburtis Sewer Authority, as proposed by the Board of the Borough of Alburtis Sewer Authority:

**§ 5-207      Termination of the Authority**

The Borough of Alburtis hereby approves the termination of the Borough of Alburtis Sewer Authority and approves the Authority's Certificate of Termination dated September 13, 2011 requesting to terminate its existence. The officers of the Borough are hereby authorized and directed to execute an Approval of Certificate of Termination in the form appended to the Authority's Certificate of Termination, which is attached to Ordinance 497 and incorporated herein by reference.

## Appendix

### § 5-A Original Articles of Incorporation—Alburtis Borough Authority.

#### ARTICLES OF INCORPORATION

TO: THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA

In compliance with the requirements of the Act of May 2, 1945, P.L. 382, known as the “Municipality Authorities Act of 1945”, as amended and supplemented, and pursuant to an Ordinance enacted by the municipal authorities of the Borough of Alburtis, Lehigh County, Pennsylvania, expressing the intention and desire of the municipal authorities of said municipality to organize a municipality authority under said Act, the municipality hereby does certify:

1. The name of the Authority is “ALBURTIS BOROUGH AUTHORITY”.
2. The Authority is formed under provisions of the Act of May 2, 1945, P.L. 382, known as the “Municipality Authorities Act of 1945”, as amended and supplemented.
3. No other Authority has been organized under said Municipality Authorities Act of 1945, as amended and supplemented, or under the Act of June 28, 1935, P.L. 463, as amended and supplemented, and is in existence in or for the incorporating municipality.
4. The name of the incorporating municipality is: Borough of Alburtis, Lehigh County, Pennsylvania.
5. The names and addresses of the municipal authorities of said incorporating municipality are:

<u>Office</u>	<u>Name</u>	<u>Address</u>
Burgess	Richard Bortz	302 Franklin Street Alburtis, Pennsylvania
Councilman and President of Council	George K. Scherer	39 W. 3 <sup>rd</sup> Street Alburtis, Pennsylvania
Councilman	Arthur D. Stump	58 E. 2 <sup>nd</sup> Street Alburtis, Pennsylvania
Councilman	Spencer Hoffman	(No Number) Franklin St. Alburtis, Pennsylvania
Councilman	Leon Trexler	(No Number) School St. Alburtis, Pennsylvania

Councilman	Walter P. Boyer, Sr.	666 Franklin Street Alburtis, Pennsylvania
Councilman	Raymond F. Scherer	113 N. Main Street Alburtis, Pennsylvania

6. The names, addresses and terms of office of the first members of the Board of the Authority, each of whom is a resident and citizen of said incorporating municipality, are as follows:

<u>Name</u>	<u>Address</u>	<u>Term of Office (Number of Years)</u>
Harold L. Kruse	22 Front Street Alburtis, Pennsylvania	5 Years
Gordon W. King	124 Main Street Alburtis, Pennsylvania	4 Years
Richard McGinley	211 Main Street Alburtis, Pennsylvania	3 Years
Arthur S.W. Kern	(No number) Main Street Alburtis, Pennsylvania	2 Years
Simeon Sell	American Hotel, Main Street Alburtis, Pennsylvania	1 Year

IN WITNESS WHEREOF, The Borough of Alburtis, Lehigh County, Pennsylvania, has caused these Articles of Incorporation to be executed by its Burgess and its President of Council and to be attested by its Secretary, and its official seal to be affixed hereto, this 10<sup>th</sup> day of September, 1958.

BOROUGH OF ALBURTIS,  
Lehigh County, Pennsylvania

By: /s/ Richard Bortz  
Burgess

By: /s/ George K. Scherer  
President of Council

ATTEST:

/s/ Joyce Schadler  
Secretary

**§ 5-B Original Articles of Incorporation—Borough of Alburtis Sewer Authority.**

ARTICLES OF INCORPORATION

TO THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA:

In compliance with the requirements of the Act of May 2, 1945, P.L. 382, as amended and supplemented, known as the ‘Municipalities Authorities Act of 1945’ and pursuant to an Ordinance adopted by the Council for the Borough of Alburtis, Lehigh County, Pennsylvania, expressing its intention and desire to organize a Municipal Authority under the provisions of said Act, said incorporating municipality does hereby certify that:

1. The name of the Authority is BOROUGH OF ALBURTIS SEWER AUTHORITY.
2. The Authority is formed under provisions of the Act of May 2, 1945, P.L. 382, as amended and supplemented, known as the Municipality Authorities Act of 1945, for the following purposes:

To acquire, hold, construct, improve, maintain, operate, own and act either in the capacity of lessor or lessee, or both, such real and personal property as shall form the whole or parts of a municipal waste collection and disposal system.

3. No other Authority has been organized under the Act of May 2, 1945, P.L. 382, as amended and supplemented, or under the Act of June 28, 1935, P.L. 463, as amended and supplemented, and is in existence in or for the incorporating municipality, except:

ALBURTIS BOROUGH AUTHORITY  
Alburtis, Pennsylvania

4. The name of the incorporating municipality is:

BOROUGH OF ALBURTIS  
Lehigh County  
Pennsylvania

5. The names and addresses of the municipal authorities of said incorporating municipality are:

<u>Office</u>	<u>Name</u>	<u>Address</u>
Mayor	Thomas P. Hilt	119 N. Main St., Alburtis, Pa.
President of Council	Harry B. Dickson	330 Franklin St., Alburtis, Pa.
Councilman	Richard M. McGinley	205 Main St., Alburtis, Pa.

Councilwoman	Mrs. Philberta Ewing	253 Franklin St., Alburtis, Pa.
Councilman	Donald E. Breter	421 Chestnut St., Alburtis, Pa.
Councilman	Richard Kelly	468 S. Oak St., Alburtis, Pa.
Councilman	Charles J. Schrader	240 Franklin St., Alburtis, Pa.
Councilman	Francis C. Reppert	234 Franklin St., Alburtis, Pa.

6. The names, addresses and terms of office of the first members of the Board of the Municipal Authority to be formed hereby are as follows:

<u>Name</u>	<u>Address</u>	<u>Term of Office</u>
Wesley A. Landis	206 Front St. Alburtis, Pa.	5 yrs.
C. Lamont Steedle Jr.	244 Main St. Alburtis, Pa.	4 "
Raymond K. Adams	275 Walnut St. Alburtis, Pa.	3 "
Charles H.F. Knerr	728 Franklin St. Alburtis, Pa.	2 "
Leon H. Trexler	160 School St. Alburtis, Pa.	1 "

IN WITNESS WHEREOF, the undersigned have executed these Articles of Incorporation on behalf of the Borough of Alburtis and have caused to be affixed the seal thereof this 18<sup>th</sup> day of May, 1970.

BOROUGH OF ALBURTIS

BY Thomas P. Hilt (Approved)  
Mayor

BY Harry B. Dickson  
President of Council

ATTEST:

Joyce Schadler  
Borough Secretary

### **¶ 5-C Disposition of Ordinance 76.**

<u>Ordinance 76</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ 1	§ 40-1	§ 5-101
§ 2	§ 40-2	§ 5-102, ¶ 5-A
§ 3	§ 40-3	§ 5-103
§ 4	§ 40-4	§ 5-104
§ 5	§ 40-5	§ 5-105
§ 6	§ 40-6	§ 5-106
§ 7 (repealer)		

### **¶ 5-D Disposition of Ordinances 140 & 145.**

<u>Ordinance 140 &amp; 145</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ I	§ 30-1	§ 5-201
§ II	§ 30-2	§ 5-202, ¶ 5-B
§ III	§ 30-3	§ 5-203
§ IV	§ 30-4	§ 5-204
§ V	§ 30-5	§ 5-205
§ VI (repealer)		

### **¶ 5-E Disposition of 1981 Code, Chapter 30.**

<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ 30-1	§ 5-201
§ 30-2	§ 5-202
§ 30-3	§ 5-203
§ 30-4	§ 5-204
§ 30-5	§ 5-205

### **¶ 5-F Disposition of 1981 Code, Chapter 40.**

<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ 40-1	§ 5-101
§ 40-2	§ 5-102
§ 40-3	§ 5-103
§ 40-4	§ 5-104

<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ 40-5	§ 5-105
§ 40-6	§ 5-106

### **¶ 5-G Source Ordinances.**

Ordinance 76	11-25-1958
Ordinance 140	09-07-1969
Ordinance 145	05-18-1970
Ordinance 215	11-11-1981
Ordinance 415	10-29-2003
Ordinance 470	01-30-2008
Ordinance 497	09-28-2011