

**BOROUGH OF ALBURTIS  
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 433

(Duly Adopted January 26, 2005)

AN ORDINANCE AUTHORIZING THE BOROUGH OF ALBURTIS TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE BOROUGHES OF EMMAUS AND MACUNGIE AND THE TOWNSHIPS OF LOWER MACUNGIE, LOWER MILFORD, AND UPPER MILFORD TO IMPLEMENT THE SOUTHWESTERN LEHIGH COUNTY COMPREHENSIVE PLAN, INCLUDING PROCEDURES FOR PLAN AMENDMENTS, FUTURE PLAN REVIEW, A REGIONAL PLANNING COMMITTEE, PROVIDING COPIES OF SUBDIVISION AND LAND DEVELOPMENT PLANS NEAR THE BORDERS OF OTHER MUNICIPALITIES TO THOSE MUNICIPALITIES, WITHDRAWAL FROM THE REGIONAL COMPREHENSIVE PLAN, AND AMENDMENT OF THE AGREEMENT.

**WHEREAS** the Boroughs of Emmaus, Macungie, and Alburtis and the Townships of Lower Macungie, Lower Milford, and Upper Milford (the “**Participants**”) have prepared and are each expected to adopt a multi-municipal comprehensive plan that will satisfy the requirements of the Pennsylvania Municipalities Planning Code, 53 PA. STAT. ANN. § 10101 *et seq.*; and

**WHEREAS** the Borough of Alburtis desires to implement the multi-municipal comprehensive plan with the other Participants under the terms and conditions set forth in the Agreement attached to this Ordinance as **Exhibit A** (the “**Agreement**”); and

**WHEREAS** intergovernmental cooperation between the Participants for this purpose is authorized under 53 PA. CONS. STAT. §§ 2301-2316 and 53 PA. STAT. ANN. §§ 11102, 11104;

**NOW, THEREFORE**, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Alburtis, Lehigh County, Pennsylvania, as follows:

**SECTION 1.** Chapter 6, Article III of the Alburdis Codified Ordinances (relating to Intergovernmental Cooperation—Multi-Municipal Comprehensive Planning) is amended by adding the following new Section 6-305 after existing Section 6-304:

**§ 6-305 Intergovernmental Cooperation Agreement to Implement Multi-Municipal Comprehensive Plan.**

The Borough of Alburdis shall enter into an Agreement with the Boroughs of Emmaus and Macungie and the Townships of Lower Macungie, Lower Milford, and Upper Milford in the form attached to Ordinance 433 as **Exhibit A**, which is incorporated into this Article by reference, *provided that* the governing bodies of the other participating municipalities shall also approve the execution of the Agreement and adopt the multi-municipal comprehensive plan in the form approved by the Borough of Alburdis. The President (or Vice President) of Borough Council is hereby authorized and directed to execute the Agreement on behalf on the Borough upon the approval of the Agreement and multi-municipal comprehensive plan by all of the participating municipalities.

**SECTION 2.** The attached **Exhibit A** is incorporated into this Ordinance by reference.

**DULY ORDAINED** and **ENACTED** by the Borough Council of the Borough of Al-  
burtis, this 26<sup>th</sup> day of January, 2005, in lawful session duly assembled.

**BOROUGH COUNCIL  
BOROUGH OF ALBURTIS**

\_\_\_\_\_  
Steven R. Hill, President

Attest:

\_\_\_\_\_  
Melanie Hansen, Executive Secretary

**AND NOW**, this 26<sup>th</sup> day of January, 2005, the above Ordinance is hereby AP-  
PROVED.

\_\_\_\_\_  
Russell J. Afflerbach, Mayor

SOUTHWESTERN LEHIGH COUNTY COMPREHENSIVE PLAN-  
INTER-GOVERNMENTAL AGREEMENT AND ORDINANCE

THIS INTER-GOVERNMENTAL AGREEMENT AND ORDINANCE is hereby made this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between the BOROUGHES of MACUNGIE, EMMAUS and ALBURTIS and the TOWNSHIPS of LOWER MACUNGIE, LOWER MILFORD and UPPER MILFORD (each a “Participant” and collectively, the “Participants”) to address the implementation of the Southwestern Lehigh County Comprehensive Plan (the “SLCC Plan”). As authorized by the Pennsylvania Intergovernmental Cooperation Act, this Agreement is adopted as an Ordinance by each of the Participants.

WHEREAS, the goal of the Project is to assist in implementing a multi-municipal comprehensive plan (the “Plan”) that will meet the requirements of the Pennsylvania Municipalities Planning Code (“MPC”), and take advantage of opportunities provided in the MPC to municipalities that create a Plan;

WHEREAS, the Participants desire to conform with the provisions for a Multi-Municipal Comprehensive Plan Cooperative Implementation Agreement, as provided in Article XI of the MPC and to utilize authority of the Pennsylvania Intergovernmental Cooperation Act.

NOW, THEREFORE, it is agreed among the parties hereto that:

1. The above purpose clauses are hereby made a part of this agreement by this reference.
2. If requested in the future by one or more of the Participants after the adoption of the SLCC Plan, the Participants shall form a Southwest Lehigh Regional Planning Committee (“SLRPC”) consisting of no more than four (4) members from each Participant. The SLRPC shall be purely advisory and is primarily intended to coordinate any future amendments to the SLCC Plan.

3. Final adoption of any amendments to the SLCC Plan shall be the province of the governing bodies of each Participant, following review and comment by such Participant's planning commission and by the Lehigh Valley Planning Commission, in accordance with §302 of the MPC.

4. The SLRPC shall only have the authority to expend such funds as may be specifically allocated in the future for such purpose by the governing bodies of the Participants or that may be provided in grants that are authorized by the Participants. Each Participant shall have complete discretion to decide whether it shall allocate any funds to the SLRPC in the future, and the amount of any such allocation. The SLRPC shall not have the authority to hire paid staff or to enter into contracts.

5. This Agreement recognizes provisions of the MPC that require a municipal zoning amendment to be generally consistent with a Plan, unless the Plan is amended to be consistent with that zoning amendment.

6. The Participants agree to provide any draft zoning amendment or proposed new zoning ordinance to all of the other Participants for review if that zoning amendment or new zoning ordinance would result in a zoning map change, a change in the allowed residential densities or a change in the land uses allowed in certain locations. This provision shall not apply for routine matters of purely local concern, such as signs, parking, administrative provisions, accessory uses, setbacks and similar matters. The Participants shall be provided with the same minimum time to provide any review comments as is provided to the Lehigh Valley Planning Commission for a new zoning ordinance or zoning amendment review under the MPC.

7. The Participants agree to give due consideration to any amendment to the SLCC Plan that is proposed by a Participant. The Participants are not required to consider an

amendment to the SLCC Plan unless such consideration is requested in writing by the governing body of a Participant or by the SLRPC. If requested by such an entity, each Participant agrees to commence a municipal planning commission review, public meeting and governing body hearing and decision within 120 days after receiving a formal request from a Participant to consider such Amendment.

8. It is intended that the SLCC Plan will be reviewed jointly by the Participants within 5 years after adoption, and then amended as appropriate within approximately 10 years after adoption.

9. If any portion of a proposed subdivision or land development is within 500 feet from the boundaries of any adjacent Participant, the Participant in which the subdivision or land development is located shall provide a copy of the layout plan for the subdivision or land development to the adjacent Participant within 30 days after receipt of such subdivision or land development plan. This provision shall not apply to minor subdivisions, lot line adjustments or lot mergers.

10. If any Participant wishes to withdraw from the SLCC Plan, such Participant shall provide one year's written notice thereof to the other Participants.

11. Subdivision and land development approval powers shall continue to only be exercised by the Participant in which the property where the approval is sought is located. Ordinance adoption and amendment powers shall continue to be exercised by the each Participant within its municipal boundaries.

12. This Agreement may only be amended by a written ordinance adopted by all of the Participants, other than those Participants who have withdrawn from the Agreement under paragraph 10. Such amendment shall not become effective until the last Participant under

this Agreement has adopted such ordinance amendment.

13. If one Participant is requesting an amendment to the SLCC Plan (each a “Plan Amendment”), that Participant shall compensate the other Participants for the actual costs of required legal advertisements of the Participants for the Plan Amendment. A Participant that is requesting a Plan Amendment shall provide the proposed Plan Amendment in a form that is ready for adoption by the Participants. Except as set forth in this Section 13, each Participant shall bear its own costs and expenses incurred in regard to the negotiation, drafting, advertising and implementation of this Agreement.

14. This Agreement shall become effective after each of the Participants have adopted it by Ordinance.

IN WITNESS WHEREOF and intending to be legally bound hereby, the parties hereto have set their hands and seals as indicated below and hereby adopt this Intergovernmental Agreement as an Ordinance.

BOROUGH OF ALBURTIS

\_\_\_\_\_  
Name:  
Title:

Date: \_\_\_\_\_

\_\_\_\_\_  
Attest

BOROUGH OF EMMAUS

\_\_\_\_\_  
Name:  
Title:

Date: \_\_\_\_\_

\_\_\_\_\_  
Attest

BOROUGH OF MACUNGIE

\_\_\_\_\_  
Name:  
Title:

Date: \_\_\_\_\_

\_\_\_\_\_  
Attest

LOWER MACUNGIE TOWNSHIP

\_\_\_\_\_  
Name:  
Title:

Date: \_\_\_\_\_

\_\_\_\_\_  
Attest

LOWER MILFORD TOWNSHIP

\_\_\_\_\_  
Name:  
Title:

Date: \_\_\_\_\_

\_\_\_\_\_  
Attest

UPPER MILFORD TOWNSHIP

\_\_\_\_\_  
Name:  
Title:

Date: \_\_\_\_\_

\_\_\_\_\_  
Attest