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AUTHORITIES, MUNICIPAL

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[HISTORY: Adopted by the Board of Supervisors of the Township of Upper Southampton as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Sewers — See Ch. 142.
Solid waste — See Ch. 149.

Subdivision and land development — See Ch. 160.

ARTICLE I
Upper Southampton Township Municipal Authority
[Adopted 1-21-1986 as Ch. 1, Part 1A, of the 1986 Code]

- § 5-1. Intent to organize.

The Board of Supervisors hereby signifies its intent and desire on behalf of the Township of Upper Southampton, Bucks County, Pennsylvania, to organize an Authority under the terms of

the Municipality Authorities Act of 1945,¹ to be known as the "Upper Southampton Township Municipal Authority."

§ 5-2. Articles of Incorporation.

The Articles of Incorporation are as follows:

Articles of Incorporation

To the Secretary of the Commonwealth of Pennsylvania:

In compliance with the Act of 1945, approved May 2, 1945, P.L. 382, the Township of Upper Southampton, County of Bucks, Pennsylvania, pursuant to a duly adopted resolution or ordinance authorizing the formation of a municipal authority, hereby certifies:

1. The name of the authority shall be the Municipal Authority of the Township of Upper Southampton, County of Bucks, Pennsylvania.
2. This authority is formed under the Act of 1945, approved May 2, 1945, P.L. 382, as amended.
3. No other authority organized under that act or under the Act of June 28, 1935, P.L. 463, is in existence in or for the incorporating municipality.
4. The name of the incorporating municipality is the Township of Upper Southampton, County of Bucks, Pennsylvania.
5. The names and addresses of the supervisors of said incorporating municipality are as follows: (Here followed the names and addresses of the Supervisors of the township.)
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: (Here followed the names, addresses and terms of office of the first Authority Board Members.)
7. The ordinance or resolution authorizing the creation of said authority, certified from the records of the incorporating municipality together with advertisement of notice of filing these articles of incorporation are each submitted herein.

In Witness Whereof the undersigned have executed these articles on behalf of the municipality above, and have caused to be affixed the seal thereof this 6th day of November 1946.

¹ Editor's Note: See 53 P.S. § 301 et seq.

ARTICLE II
Upper Southampton Sewer Authority
[Adopted 1-21-1986 as Ch. 1, Part 1B, of the 1986 Code]

§ 5-3. Intent to organize.

The Supervisors of the Township of Upper Southampton, County of Bucks, and Commonwealth of Pennsylvania, hereby signify their intention to organize a municipal authority under the Municipality Authorities Act of 1945,² as amended.

§ 5-4. Articles of Incorporation.

The Supervisors of the Township of Upper Southampton are hereby authorized and directed to execute on behalf of said township, Articles of Incorporation for such an Authority in substantially the following form:

Articles of Incorporation

To the Secretary of the Commonwealth
 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, the Supervisors of the Township of Upper Southampton, Bucks County, Pennsylvania, desiring to incorporate an Authority thereunder, do hereby certify:

1. The name of the Authority is the "Upper Southampton Sewer Authority."
2. The Authority is formed under the provisions of the "Municipality Authorities Act of 1945," as amended.
3. No other Authority organized under the "Municipality Authorities Act of 1945," as amended, or under the Act of June 28, 1935, P.L. 463, as amended, is in existence in and for the incorporating municipality, the Township of Upper Southampton, except:

The Municipal Authority of the Township of Upper Southampton, Bucks County, Pennsylvania formed by the Township of Upper Southampton;

Upper Southampton, Bucks County, School Authority formed by the School District of Upper Southampton Township;

Centennial Joint School Board Authority formed by the School District of Upper Southampton Township jointly with the School Districts of Ivyland Borough and the Township of Warminster.

4. The name of the incorporating municipality is the Township of Upper Southampton.
5. The names and addresses of the Supervisors of the Township of Upper Southampton, constituting its municipal authorities, are as follows: (Here followed the names and addresses of the Board of Supervisors.)

² Editor's Note: See 53 P.S. § 301 et seq.

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: (Here followed the names, addresses, and terms of office of the Authority Board Members.)
7. The proofs of publication required by the Municipality Authorities Act of 1945, as amended, are submitted herewith.

In Witness Whereof, the undersigned have executed these Articles on behalf of the Township of Upper Southampton, and have caused the seal thereof to be hereunto affixed this 20th day of June 1960.

ARTICLE III

Delaware Valley Industrial Development Authority [Adopted 1-21-1986 as Ch. 1, Part 1C, of the 1986 Code]

§ 5-5. Intent to organize.

It is the desire of the said Supervisors of said Upper Southampton Township, Bucks County, Pennsylvania, to organize Delaware Valley Industrial Development Authority in Upper Southampton Township, Bucks County, Pennsylvania, under the Industrial and Commercial Development Authority Law.³

§ 5-6. Articles of Incorporation.

In pursuance of said desire and intention and in conformity with the terms and provisions of said Industrial and Commercial Development Authority Law, the proposed Articles of Incorporation of the Delaware Valley Industrial Development Authority are hereby set forth in full in Exhibit "A" attached hereto and made a part hereof.

EXHIBIT "A"

Articles of Incorporation of Delaware Valley Industrial Development Authority

To the Secretary of the Commonwealth of Pennsylvania in Harrisburg, Pennsylvania:

In compliance with the requirements of the Industrial and Commercial Development Authority Law of August 23, 1967, as amended and pursuant to a resolution adopted by the Board of Supervisors of the Township of Upper Southampton, Bucks County, Pennsylvania, that an industrial development authority be established under the provisions of the aforementioned law, the Supervisors of the Township of Upper Southampton, Bucks County, Pennsylvania, desiring that an industrial development authority be established and that a Certificate of Incorporation be issued to said Authority does hereby certify:

1. The name of the Authority shall be Delaware Valley Industrial Development Authority.

³ Editor's Note: See now 73 P.S. § 371 et seq.

2. The Authority is formed under the Industrial and Commercial Development Authority Law of August 23, 1967, P.L. 251, as amended.
3. The name of the incorporating municipality is the Township of Upper Southampton, Bucks County, Pennsylvania.

The names and addresses of the Board of Supervisors of the Township of Upper Southampton, Bucks County, Pennsylvania are as follows: (Here followed the names and addresses of the Board of Supervisors.)

4. The names and addresses and terms of office of the first members of the Board of said Authority are as follows: (Here followed the names, addresses and terms of office of the first Authority Board Members.)
5. The term of existence of the Authority shall be 50 years.

Witness the hands of the Chairman and the Secretary of the Supervisors and the seal of the Township of Lower Southampton, Bucks County, Pennsylvania, this 2nd day of May 1978.

§ 5-7. Execution of Articles of Incorporation.

The proposed Articles of Incorporation of said Authority shall be executed by and on behalf of the township by the President of the Board of Supervisors, the seal of the township shall be thereto affixed and attested by the Secretary. The Township Solicitor is authorized and directed to cause to be published the notice of this resolution which shall contain the substance of the Articles of Incorporation as required by the aforementioned Act, and when said Articles of Incorporation are properly executed, the same shall be filed with the Secretary of the Commonwealth.

ARTICLE IV

Southwestern Bucks County Solid Waste Authority [Adopted 10-21-1986 by Ord. No. 240]

§ 5-8. Intent to organize.

Pursuant to the terms of the Act of May 2, 1946, P.L. 382,⁴ and such amendments thereto as have been or hereafter may be enacted, the Township of Upper Southampton hereby signifies its intention and desire to organize a municipal authority jointly in a group consisting of the Borough of Ivyland and the Townships of Northampton, Upper and Lower Southampton and Warminster (hereinafter referred to as "incorporating municipalities").

§ 5-9. Name.

The name of such municipal authority shall be Southwestern Bucks County Solid Waste Authority.

⁴ Editor's Note: See 53 P.S. § 301 et seq.

§ 5-10. Purpose.

The said Authority shall exist for the purpose of acquiring, holding, constructing, improving, maintaining and operating, owning, leasing, either in the capacity of lessor or lessee, facilities and equipment for the collection, removal or disposal of ashes, garbage, rubbish and other refuse materials by incineration, landfill or other method; incinerator plants; facilities to produce steam which is used by the Authority or is sold on a contract basis for industrial or similar use or on a sale-for-resale basis to one or more entities authorized to sell steam to the public; and facilities for generating surplus electric power related to incinerator plants in the above-mentioned municipalities or any of them, or anywhere else, and for such municipalities or any of them and for such other territory as it may be authorized to serve, all as authorized by Section 4 of the Act of May 2, 1946, P.L. 382, as amended.

§ 5-11. Initial projects.

The initial projects to be undertaken by the said Authority, in conformity with the provisions of the Acts of Assembly and this article, are a mandatory recycling program and the construction, ownership and operation of a waste-to-energy facility.

§ 5-12. Powers of Authority.

The said Authority shall have and may exercise any and all powers necessary and convenient to the carrying out of the aforesaid purposes as the same are more fully set forth in Section 4 of the Act of May 2, 1945, P.L. 382, as amended.

§ 5-13. Governing body of Authority.

- A. The powers of the Authority shall be exercised by a governing body to be called the "Board," which shall be composed of 11 members, three of whom shall be representatives of Warminster Township and two of whom shall be representatives of each of the four remaining incorporating municipalities.
- B. The members of the original Board of the Authority shall serve for staggered terms; two members shall serve for one year, two for two years, three for three years, two for four years and two for five years, from January 1 next succeeding the date of incorporation. Thereafter, whenever a vacancy has occurred or is about to occur by reason of the expiration of the term of any member, the governing body of the municipality which has appointed the member whose term has expired or is about to expire shall appoint a member of the Board for a term of five years from the date of expiration of the prior term to succeed the member whose term has expired or is about to expire.
- C. In all other respects the powers, duties and obligations of the Board and its members shall be as set forth in the Act of May 2, 1945, P.L. 382, as amended.

§ 5-14. Members of Board.

The following named persons are hereby appointed as the first members of the Board of the Authority to represent this township, whose terms of office shall commence on the date of appointment and shall be computed from January 1 next succeeding the date of incorporation: (See Ord. No. 240 for the names, addresses and terms of the members of the Board of the Authority.)

§ 5-15. Articles of Incorporation.

The Chairman and Secretary of the Board of Supervisors are hereby authorized and directed to execute, on behalf of the Township of Upper Southampton, Articles of Incorporation for the Authority in substantially the form presented to this meeting which is hereby approved and is ordered to be filed with this article.

§ 5-16. Notice.

The Township Secretary is hereby directed to cause a notice of the substance of this article to be published (separately or jointly with respect to similar ordinances adopted by other municipalities) once in the legal periodical for Bucks County and once in a newspaper published and of general circulation in such county, pursuant to the Municipality Authorities Act of May 2, 1945, P.L. 382, as amended.

§ 5-17. Filing requirements; incorporation.

The Chairman and Secretary of the Board of Supervisors are directed to file said Articles of Incorporation, together with the necessary proofs of publication, with the Secretary of the Commonwealth, and to do all other acts and things necessary or appropriate to effect the incorporation of the Authority.

§ 5-18. Effective date.

This article shall become effective when ordinances substantially similar to this have been enacted by the Borough of Ivyland and the Townships of Northampton, Upper and Lower Southampton and Warminster; provided, however, that in the event the aforesaid incorporating municipalities, and all of them, have not enacted such ordinances on or before October 23, 1986, this article shall be null and void and of no effect whatsoever.

