

Chapter 28
MUNICIPAL AUTHORITY

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[HISTORY: Adopted by the Council of the Borough of Berwick as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Authority Created
[Adopted 1-12-1970 as Ch. 52, Art. I, of the 1970 Code]

§ 28-1. Declaration of intent.

The Borough Council of the Borough of Berwick, in the County of Columbia and Commonwealth of Pennsylvania, hereby signifies its intention and desire to organize a Municipal Authority under the provisions of the Act of May 2, 1945, P.L. 382, as amended by the Act of June 12, 1947, P.L. 571, known as the "Municipal Authorities Act of 1945."¹

§ 28-2. Articles of Incorporation.²

The President and Secretary of the Borough Council are hereby authorized and directed to execute on behalf of the Borough of Berwick Articles of Incorporation in substantially the following form:

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

² Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

**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 by the Act of June 12, 1947, P.L. 571, known as the "Municipality Authorities Act of 1945,"³ the Borough of Berwick, County of Columbia, Pennsylvania, pursuant to a duly adopted ordinance authorizing the formation of a Municipal Authority, hereby certifies:

1. The name of the Authority shall be: "Municipal Authority of the Borough of Berwick, County of Columbia, Pennsylvania."
2. This Authority is formed under the Act of May 2, 1945, P.L. 382, as amended.
3. No other Authority has been organized under this Act or under the Act approved June 28, 1935, P.L. 463, by the incorporating municipality.
4. The name of the incorporating municipality is: "The Borough of Berwick, County of Columbia, Pennsylvania."
5. The names and addresses of the Chief Burgess and the President of the Borough Council and Councilmen of said incorporating municipality are as follows.⁴
7. The ordinance 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 herewith.
8. The term of existence of the Authority shall be for 50 years from the date of approval of these Articles of Amendment to the Articles of Incorporation. [Added 10-3-1985 by Ord. No. 1184]

§ 28-3. Project undertaken by Authority.

It is hereby specified that the project first to be undertaken by the Municipal Authority of the Borough of Berwick, a body corporate and politic to be duly organized under the Municipality Authorities Act of 1945, as amended and supplemented, shall be to acquire, purchase, hold, construct, improve, maintain, operate, own and lease, either in the capacity of lessor or lessee, a sewage disposal plant, sewer lines and sewer systems.

³ Editor's Note: See 53 P.S. § 301 et seq.

⁴ Editor's Note: The names and addresses of the Chief Burgess and the President of the Council and Councilmen of the incorporating municipality as well as the names and addresses and terms of office of the first members of the Board of Municipal Authority formed hereby, as originally appearing in this subsection and Subsection 6, as amended, were omitted from this chapter and are on file in the office of Borough Secretary.

§ 28-4. Agreement.

The President and Secretary of the Borough Council are hereby authorized, empowered and directed to do all such things and to enter into such agreements as may be permitted by law in the name of and on behalf of the Borough of Berwick as may be necessary or expedient to carry out and consummate the objects and purposes of this article and in the creation of said Municipal Authority of the Borough of Berwick and in the acquisition of a sewage treatment works, sewers and sewer systems authorized and designated to be acquired or leased or operated by said Municipal Authority or any lessee from said Municipal Authority by and under the authority of this article. The right and privilege to maintain and operate sewer lines, systems and equipment in, upon and under the streets and highways of the Borough of Berwick is hereby given, granted and confirmed unto the Municipal Authority of the Borough of Berwick.

§ 28-5. Construal of Authority's powers and rights.

This article shall not be construed as restricting or attempting to restrict the right and power of said Municipal Authority of the Borough of Berwick to undertake any other project or projects which it may, by law, be authorized to take, nor as restricting or attempting to restrict the power granted to the Municipal Authority by the Municipality Authorities Act of 1945.

§ 28-6. Purpose.

This article is deemed necessary for the benefit and preservation of the public health, peace, comfort and general welfare of the citizens of the Borough of Berwick.

ARTICLE II**Parking Lot Project⁵**

[Adopted 1-12-1970 as Ch. 52, Art. II, of the 1970 Code]

§ 28-7. Authorization.

The Municipal Authority of the Borough of Berwick is hereby authorized and directed to proceed forthwith to acquire, hold, construct, improve, maintain, operate, own and lease, whether as lessor or lessee, parking lots.

⁵ Editor's Note: The preamble to the original ordinance from which this article is derived read as follows:

"Whereas the Municipal Authority of the Borough of Berwick has been duly organized and incorporated and was authorized, as its first project, to acquire, hold, construct, improve, maintain, operate, own, lease, whether as lessor or lessee, sewage disposal plant, sewer lines and sewer systems.

"Whereas it is now the desire of the Borough Council of the Borough of Berwick to specify that a second project to be undertaken shall be to acquire, hold, construct, improve, maintain, operate, own, lease, whether as lessor or lessee, parking lots."

§ 28-8. Agreement.

The President and Secretary of the Borough Council are hereby authorized, empowered and directed to do all such things and to enter into such agreements as are permitted by law in the name of and on behalf of the Borough of Berwick as may be necessary or expedient to carry out and consummate the objects and purposes of this article and in the acquisition, holding, constructing, improving, maintaining, operating, owning and leasing, whether as lessor or lessee, of parking lots. The right and privilege to own, maintain and operate parking lots in the Borough of Berwick is hereby given, granted and confirmed unto the Municipal Authority of the Borough of Berwick.