

BOROUGH OF BALDWIN
ORDINANCE NO. 913

AN ORDINANCE OF THE BOROUGH OF BALDWIN, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, SIGNIFYING THE INTENTION AND DESIRE OF BOROUGH COUNCIL OF THE BOROUGH OF BALDWIN TO ORGANIZE A MUNICIPAL AUTHORITY UNDER THE PROVISIONS OF THE MUNICIPALITY AUTHORITIES ACT, 53 PA. C.S.A. § 5601 ET SEQ., AS AMENDED AND SUPPLEMENTED, TO BE KNOWN AS THE “BOROUGH OF BALDWIN STORMWATER AUTHORITY;” SETTING FORTH THE FORM OF THE ARTICLES OF INCORPORATION; APPOINTING THE FIRST MEMBERS OF THE BOARD OF THE AUTHORITY; DESIGNATING THE PURPOSES OF SAID AUTHORITY; AUTHORIZING THE EXECUTION AND FILING OF THE ARTICLES OF INCORPORATION; AND AUTHORIZING THE TAKING OF ALL SUCH ACTION THAT MAY BE NECESSARY OR APPROPRIATE TO ORGANIZE SAID AUTHORITY; AND PROVIDING THAT THE BOROUGH COUNCIL RETAINS THE RIGHT TO APPROVE ANY PLAN OF THE AUTHORITY.

WHEREAS, inadequate development and maintenance of stormwater facilities increases stormwater runoff rates and volumes, contributes to erosion and sedimentation, overtaxes the carrying capacity of storm sewers and streams, and contributes to other negative impacts which threaten the public’s property, health, safety and welfare;

WHEREAS, to protect the property, health, safety and welfare of the residents of the Borough of Baldwin (the “Borough”), the Borough Council intends to organize a Municipal Authority pursuant to the Municipal Authorities Act, 53 Pa. C.S.A. § 5601 et seq., as amended and supplemented, to administer, manage, and maintain the stormwater facilities and programs of the Borough; and

WHEREAS, in preparation for the passage of this Ordinance, a public hearing was held by the Borough Council of the Borough on the 10th day of November, 2020, pursuant to notice duly advertised as required by the Municipal Authorities Act.

NOW THEREFORE, BE IT ORDAINED and ENACTED, by the Borough Council of the Borough of Baldwin as follows:

Section 1. Intent. The Borough Council of the Borough hereby signifies its intention to organize a Municipal Authority under the provisions of the Municipal Authorities Act, 53 Pa. C.S.A. § 5601 et seq.

Section 2. Name of Authority. The name of the Authority shall be the “Borough of Baldwin Stormwater Authority.”

Section 3. Articles of Incorporation. The articles of incorporation of the Borough of Baldwin Stormwater Authority are hereby approved and adopted in the following form:

Section 4. Members of Authority. The first members of the Board of the Borough of Baldwin Stormwater Authority, named in the aforesaid Articles of Incorporation, are hereby specifically appointed members of said Board for the term set after their respective names, commencing on the date of appointment and computed from the first Monday in January 2021.

Section 5. Borough to Affect Incorporation of Authority. The President of the Borough Council of the Borough of Baldwin is hereby authorized and directed to execute said Articles of Incorporation of the Authority in substantially the form set forth herein, and the Borough Secretary is hereby authorized and directed to execute and deliver such other documents, agreements, certificates and instruments and to do all acts necessary or appropriate to effect the incorporation of the proposed Borough of Baldwin Stormwater Authority, including, but not limited to, to cause a notice of intention to file said Articles of Incorporation to be published as required by the Municipal Authorities Act, and to file said Articles of Incorporation, together with a certified copy of this Ordinance and required proofs of publication, with the Secretary of the Commonwealth of Pennsylvania.

Section 6. Purposes. The Borough of Baldwin Stormwater Authority shall have the purposes, powers, and rights as provided in Section 5607 of the Municipal Authorities Act, 53 Pa. C.S.A. § 5607, including, but not limited to, purposes of financing working capital; acquiring, holding, constructing, financing, improving, maintaining and operating, owning or leasing, either in the capacity of lessor or lessee, projects within the defined boundary of the Authority, of the following kind and character: Stormwater planning, management and implementation.

The Borough of Baldwin shall retain the right which exists under the Municipal Authorities Act to approve any plan of the Borough of Baldwin Stormwater Authority for the foregoing purpose.

Section 7. Severability. The provisions of this chapter are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid and unconstitutional by any court of competent jurisdiction, such decision of the court shall not effect, impair, or invalidate any of the remaining sections, clauses, sentences, parts or provisions of this chapter.

Section 8. Repealer. The provisions of any prior ordinance that are inconsistent with the provisions of this chapter are hereby repealed to the extent of such inconsistency.

ORDAINED AND ENACTED INTO LAW, this 15th day of DECEMBER,
2020.

ATTEST:

Beth J. Fil
Borough Manager

BOROUGH OF BALDWIN

By: Marianne Conley
Marianne Conley, President of
Council

Examined and approved this 15th day
of DECEMBER, 2020

David Depretis
David Depretis, Mayor

