

**ORDINANCE 2021 - \_\_\_\_\_**

**LUZERNE COUNTY COUNCIL**

AN ORDINANCE OF LUZERNE COUNTY COUNCIL APPROVING AN AMENDMENT TO SECTION 5 OF ORDINANCE NO. 6596 SIGNIFYING THE INTENT AND DESIRE OF THE COUNCIL FOR THE COUNTY OF LUZERNE, PENNSYLVANIA, TO MODIFY THE PURPOSES AND PROJECTS OF THE LUZERNE COUNTY FLOOD PROTECTION AUTHORITY AND TO AUTHORIZE THE AUTHORITY TO TAKE ALL SUCH ACTION AS MAY BE NECESSARY OR APPROPRIATE TO EFFECT SAME.

**WHEREAS**, In or about May 1996, the Board of Commissioners of the County of Luzerne (hereafter, “the Board”), upon public hearing pursuant to notice duly advertised as required by the Municipality Authorities Act of 1945, as amended (hereafter, “the Act”), enacted Ordinance No. 6596 which organized the Luzerne County Flood Protection Authority (hereafter, “the Authority”) as a Municipal Authority under the Act;

**WHEREAS**, the Board, pursuant to Ordinance No. 6596, further approved the Articles of Incorporation and designated the “purposes and projects” of the Authority;

**WHEREAS**, Section 5 of Ordinance No. 6596 defined the “purposes and projects” of the Authority:

“Section 5. The purposes and projects of said Authority are as follows: to construct, improve, operate, and maintain the Wyoming Valley flood protection system and to administer the mitigation program associated with the project.”

**WHEREAS**, since the Board’s enactment of Ordinance 6596, the safety, well-being and needs of the residents of Luzerne County as a whole require an expansion of the “purposes and projects” of the Authority; and

**WHEREAS**, in preparation for the passage of this Amendment to Ordinance No. 6956, a public hearing was held by this County Council pursuant to notice duly advertised as required by the Act ;.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED** by the Council of the  
County of Luzerne:

1. Section 5 of Ordinance No. 6596 is hereby stricken in its entirety and replaced  
with the following:

“Section 5. The purposes and projects of said Authority are as follows: to construct,  
improve, operate and maintain the Wyoming Valley flood protection system, to  
administer the mitigation program associated with the project and to undertake any/all  
flood protection actions that said Authority deems necessary and financially feasible to  
protect the residents of Luzerne County as a whole.”

2. The Authority is empowered by and shall act in accordance with the Municipality  
Authorities Act. The powers of the Authority specific to the assessment and collection of rates and  
other charges provides that the Authority shall fix, alter, charge and collect rates and other charges  
in the area served by its facilities at reasonable and uniform rates for the purpose of providing for  
the payment of the expenses of the Authority, the construction, improvement, repair, maintenance  
and operation of its facilities and properties. If the service area includes more than one  
municipality, the revenues from any project shall not be expended directly or indirectly in any  
other project unless such expenditures are made for the benefit of the entire service area.”

3. Other than as set forth in Paragraph 1 above, the provisions of Ordinance No.  
6596 shall remain unchanged and in full force and effect.

4. All ordinances and parts of ordinances inconsistent herewith are hereby rescinded.

ENACTED AND ORDAINED, this \_\_\_ day of November, 2021.

This Ordinance shall be effective fifteen days from the date of Enactment.

LUZERNE COUNTY COUNCIL

AYES:

NAYS:

Attest:

\_\_\_\_\_  
Sharon Lawrence, Clerk of County Council

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Tim McGinley, Chair

\_\_\_\_\_  
Chris Perry, Vice-Chair