

ORDINANCE NO. _____

AN ORDINANCE OF THE EAST ROCKHILL TOWNSHIP BOARD OF SUPERVISORS AUTHORIZING THE ENTRY INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH RESPECT TO THE AMENDMENT AND RESTATEMENT OF THE REQUIREMENTS FOR THE JOINT BOARD OF APPEALS TO HEAR APPEALS, REQUESTS FOR VARIANCES OR EXTENSIONS OF TIME UNDER THE PROVISIONS OF THE UNIFORM CONSTRUCTION CODE AND AUTHORIZING OTHER NECESSARY ACTION.

WHEREAS, the East Rockhill Township Board of Supervisors is authorized under the provisions of the Pennsylvania Intergovernmental Cooperation Act, 53 Pa.C.S.A. §2301 *et seq.* (the "Act"), to enter into agreements with other political subdivisions for the purpose of carrying out essential governmental functions; and

WHEREAS, the Township of East Rockhill ("Township") has agreed to undertake and enforce the provisions of the Pennsylvania Uniform Construction Code, as amended 35 P.S. 7210.101 *et seq.* ("**Construction Code**") to carry out its interest in promoting the public health and safety; and

WHEREAS, the Construction Code provides, pursuant to the regulations adopted thereunder and set forth in 34 Pa. Code §403.121 and §403.122, for the appointment and powers of a Board of Appeals to handle appeals from the decisions of the building officials, requests for variances, or extensions of time under the Construction Code; and

WHEREAS, East Rockhill Township adopted Ordinance 223 on September 19, 2006 which authorized the Township of East Rockhill to enter into an Intergovernmental Cooperation Agreement with West Rockhill Township to establish a Joint UCC Board of Appeals and said Intergovernmental Cooperation Agreement was thereafter executed by the member municipalities; and

WHEREAS, East Rockhill Township thereafter adopted Ordinance 251 on November 17, 2009 which authorized the Borough of Dublin to join and become a member of the Joint UCC Board of Appeals and said revised Intergovernmental Cooperation Agreement was thereafter executed by the member municipalities; and

WHEREAS, East Rockhill Township thereafter adopted Ordinance No. 281 on March 10, 2015 which authorized Silverdale Borough to be a member to join and become a member of the Joint UCC Board of Appeals and said revised Intergovernmental Cooperation Agreement was thereafter executed by the member municipalities; and

WHEREAS, the Board of Supervisors of East Rockhill Township intends to and hereby does amend and restate the Intergovernmental Agreement governing the Joint UCC Board of Appeals as set forth in the attached Agreement marked as **Exhibit "A"** to which West Rockhill Township, East Rockhill Township, Dublin Borough and Silverdale Borough are members.

It is hereby **ENACTED** and **ORDAINED** as follows:

Section 1. AUTHORIZATION OF ENTRY INTO INTERGOVERNMENTAL COOPERATION AGREEMENT. The proper officers of the Township are hereby authorized and directed to execute and deliver on behalf of the Township of East Rockhill, the Intergovernmental Cooperation Agreement (the "**Agreement**"), in substantially the form attached hereto as **Exhibit "A"**, with respect to the amendment and restatement, powers and appointment of a Joint UCC Board of Appeals.

Section 2. POWERS OF JOINT UCC BOARD OF APPEALS. The Joint UCC Board of Appeals shall have all of the powers and shall be subject to the limitations of and shall exercise its authority in conformity with the provisions of the Construction Code and the regulations adopted thereunder and set forth in 34 Pa. Code §403.121 and §403.122.

Section 3. APPOINTMENT OF MEMBER. The Township shall appoint and reappoint three (3) members of the Joint UCC Board of Appeals, by resolution, from time-to-time as required, which members shall serve an indefinite term, provided that such members may be removed, with or without cause, by a majority vote of the Township Board of Supervisors; provided further, that no member of the Joint UCC Board of Appeals shall be removed during the pendency of a hearing or application, until the hearing is concluded and a decision of the Joint UCC Board of Appeals has been rendered.

Section 4. AUTHORIZATION OF FURTHER ACTION. The proper officers of the Township are hereby authorized and directed to take all such actions, execute, deliver, file and/or record all such documents, publish all notices and otherwise comply with the provisions of this Ordinance and the Act insofar as the transaction contemplated by this Ordinance, in the name and on behalf of the Township.

Section 5. SEVERABILITY. In case any one (1) or more of the provisions contained in this Ordinance or in the Agreement pursuant hereto shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Ordinance or of said Agreement, and this Ordinance or said Agreement shall be construed and enforced as if such invalid, illegal or unenforceable provision had never been contained herein.

Section 6. REPEALER. All ordinances and parts of ordinances heretofore adopted, to the extent that the same are inconsistent in any manner herewith, are hereby repealed.

Section 7. EFFECTIVE DATE. This Ordinance shall take effect on the earliest date permitted by law.

ENACTED AND ORDAINED this _____ day of _____
A.D., 2018.

ATTEST:

EAST ROCKHILL TOWNSHIP
BOARD OF SUPERVISORS

Township Manager

Gary W. Volovnik, Chairman

David R. Nyman, Vice Chairman

James C. Nietupski, Member

INTERGOVERNMENTAL COOPERATION AGREEMENT

THIS AGREEMENT made this ____ day of _____, A.D., 2018, by and between **EAST ROCKHILL TOWNSHIP**, 1622 Ridge Road, Perkasie, East Rockhill Township, Bucks County, Pennsylvania 18944, and **WEST ROCKHILL TOWNSHIP**, 1028 Ridge Road, Sellersville, West Rockhill Township, Bucks County, Pennsylvania 18960 and **DUBLIN BOROUGH**, 119 Maple Avenue, P.O. Box 52, Dublin, Dublin Borough, Bucks County, Pennsylvania 18917 and **SILVERDALE BOROUGH** 100 West Park Avenue, Silverdale, Silverdale Borough, Bucks County, Pennsylvania 18962 (collectively being the "Municipalities" and singularly, each the "Municipality")

WITNESSETH

WHEREAS, the Municipalities are authorized under the provisions of the Pennsylvania Intergovernmental Cooperation Act, 53 Pa.C.S.A. § 2301 et seq., to enter into agreements with other political subdivisions for the purpose of carrying out essential governmental functions; and

WHEREAS, each of the Municipalities have determined to enforce the provisions of the Pennsylvania Uniform Construction Code, as amended 35 P.S. § 7210.101 et seq ("Construction Code") to carry out its interest in promoting the public health and safety; and

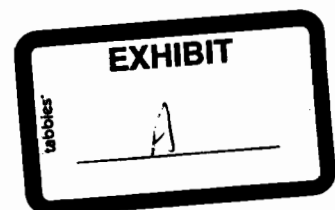
WHEREAS, the Construction Code provides, pursuant to the regulations adopted thereunder and set forth in 34 Pa. Code §§ 403.121 and 403.122, for the appointment and powers of a Board of Appeals to handle appeals from the decisions of the building officials, requests for variances, or extensions of time under the Construction Code; and

WHEREAS, East Rockhill Township, West Rockhill Township, Silverdale Borough, and Dublin Borough previously authorized and entered into an Intergovernmental Cooperation Agreement to establish a Joint UCC Board of Appeals ("Board of Appeals") and said Intergovernmental Cooperation Agreement was thereafter executed by East Rockhill Township, West Rockhill Township, Silverdale Borough, and Dublin Borough; and

WHEREAS, The Intergovernmental Cooperation Agreement requires that voting membership at an actual hearing shall consist of a total of five (5) voting members; and

WHEREAS, the Municipalities have determined that it is appropriate to reduce the number of voting members required at each hearing;

WHEREAS, the Board of Supervisors of East Rockhill and West Rockhill Township and Borough Council of Dublin Borough and Silverdale Borough intend to and hereby do amend and restate the 2015 Intergovernmental Cooperation Agreement between the municipalities to provide that there shall be at least three (3) voting members at each hearing before the Joint UCC Board of



Appeals.

NOW, THEREFORE, intending to be legally bound hereby, the parties agree as follows:

1. Each of the Municipalities will adopt an ordinance, in substantially the form attached hereto as Exhibit "A", authorizing and ratifying entry into this Agreement and adoption of the Joint Board of Appeals established under the provisions of this Agreement as the Board of Appeals of such Municipalities.

2. Each of the Municipalities agrees to keep in full force and effect and not repeal, without a minimum of 30 days notice to the other Municipalities, said ordinance authorizing and ratifying the entry into this Agreement and the adoption of the Joint Board of Appeals established under the provisions of this Agreement as the Board of Appeals of such Municipalities.

3. The Joint Board of Appeals shall consist of five (5) voting members with at least three (3) sitting alternates, with East Rockhill and West Rockhill each appointing three (3) members, Silverdale Borough appointing two (2) members, and Dublin Borough appointing one (1) member. Voting membership at an actual hearing shall consist of a total of three (3) voting members. An alternate member shall be permitted to vote only if there are less than three (3) voting members present at the hearing and/or available. The Chairperson shall be elected annually. The alternates shall be designated by the Joint Board of Appeals on a rotating basis. The alternates for any given hearing shall not be the Chairperson or an appointed member from the municipality in which the appeal originated. A member may not cast a vote or participate in a hearing in any appeal, request for variance or request for extension of time in which the member has a personal, professional or financial interest. In the event the municipality in which an appeal originates fails to appoint its requisite number of members, alternate(s) shall be permitted to vote in order to secure the requisite number of voting members at the hearing.

4. Each of the Municipalities agrees to pay such costs as are associated with an appeal originating in its municipality. The cost shall include the costs of advertising, court stenographer, and any other costs related to the conduct of an appeal arising out of the decision of the Building Official, as defined in the Construction Code, of such Municipality, requests for variances, or extensions of time under the Construction Code. An application fee shall be imposed for such purpose, and the municipality in which the appeal arises shall establish and collect the application fees from an appellant at the time of an appeal or application.

5. Each of the Municipalities agrees to indemnify and hold harmless the other Municipalities from any claims or costs arising out of the decision of the Joint Appeals Board with respect to a matter or appeal arising out of a decision of the Building Official of such Municipality, requests for variances, or extensions of time under the Construction Code. For such purpose each of the Municipalities shall cause the Joint Appeals Board to be named as a body to which the errors and omissions coverage of such Municipality extends. In the event that any Municipality determines to cease to participate as a member in this Agreement and to withdraw from this

Agreement or to repeal its ordinance; notwithstanding such action, the duty of indemnity provided for in this section shall remain in full force and effect as to any claim, whether asserted or not, as of the date of withdrawal from this Agreement, which arises out of an appeal or application arising out of a decision of the Building Official of such Municipality, requests for variances, or extensions of time under the Construction Code.

6. Each of the Municipalities shall be responsible to see that the members appointed by it to the Joint Appeals Board shall complete and file with such Municipality the Financial Disclosure Statement required under the provisions of the Public Official and Employee Ethics Act, (65 PSCA §1101 et seq) and to provide to the other Municipality a true and correct copy of such Financial Disclosure Statement.

7. The Joint Appeals Board shall not acquire or manage real or personal property, nor shall there be any employees of the Joint Appeals Board.

8. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Agreement, and this Agreement shall be construed and enforced as if such invalid, illegal or unenforceable provision had never been contained herein.

9. This Agreement may be executed in counterparts.

IN WITNESS WHEREOF, the parties by their respective duly authorized officers have executed this Agreement as of the day set forth above.

ATTEST:

**BOARD OF SUPERVISORS
WEST ROCKHILL TOWNSHIP**

Greg Lippincott, Manager
West Rockhill Township

By: _____
James E. Miller, Jr., Chairman

ATTEST:

**BOARD OF SUPERVISORS
EAST ROCKHILL TOWNSHIP**

Marianne K. Morano, Manager
East Rockhill Township

By: _____
Gary W. Volovnik, Chairman

ATTEST:

DUBLIN BOROUGH COUNCIL

Borough Secretary

By: _____
, President

ATTEST:

SILVERDALE BOROUGH COUNCIL

Borough Secretary

By: _____
Clair Black, President