

**PENN FOREST TOWNSHIP
CARBON COUNTY, PENNSYLVANIA
ORDINANCE NO. 1 of 2018**

**AN ORDINANCE AMENDING AN EXISTING AGREEMENT FOR THE
ADMINISTRATION AND ENFORCEMENT OF THE UNIFORM CONSTRUCTION
CODE THROUGH A JOINT BOARD OF APPEALS BY AND AMONG VARIOUS
MUNICIPALITIES LOCATED IN CARBON COUNTY, PENNSYLVANIA**

WHEREAS, various municipalities located in Carbon County, Pennsylvania, including Penn Forest Township (hereinafter "Municipalities"), have all either adopted an Ordinance for the administration and enforcement of the Pennsylvania Construction Code Act and Uniform Construction Code (hereinafter collectively referred to as the "Uniform Construction Code") and/or are a party to an agreement for the joint administration and enforcement of the Uniform Construction Code; and

WHEREAS, the Uniform Construction Code provides that a municipality which has either adopted an Ordinance for the administration and enforcement of the Uniform Construction Code or is a party to an agreement for the joint administration and enforcement of the Uniform Construction Code shall establish a Board of Appeals; and

WHEREAS, the Rules and Regulations promulgated pursuant to the Uniform Construction Code provide that two or more municipalities may establish a Joint Board of Appeals through an Intermunicipal Agreement; and

WHEREAS, Franklin Township, Penn Forest Township, Towamensing Township, East Penn Township and Mahoning Township have executed and entered into an Intermunicipal Agreement establishing a Joint Board of Appeals pursuant to the Uniform Construction Code, said Agreement being dated September 2, 2004; and

WHEREAS, by Addendum, the Boroughs of Jim Thorpe, Lehighton and Nesquehoning and the Township of Kidder were subsequently permitted to join and participate in the Joint Board of Appeals of the said Franklin Township, Penn Forest Township, Towamensing Township, East Penn Township and Mahoning Township pursuant to the consent of the various municipalities and as permitted by the Intermunicipal Agreement; and

WHEREAS, the Borough of Parryville has likewise determined that joining the existing above described Joint Board of Appeals would be beneficial for its residents and would protect and preserve the health, safety, and welfare of its citizens; and

WHEREAS, the Act of December 19, 1996, P.L. 1158, as amended, 53 Pa.C.S.A. Section 2301, et. seq., also known as the Intergovernmental Cooperation Act, permits municipalities to enter into agreements to cooperate in the performance of their respective functions, powers or responsibilities; and

WHEREAS, pursuant to Section 8 of the above-referenced Intermunicipal Agreement, the Borough of Parryville has obtained written consent of the governing bodies of each of the municipalities who are parties to the above-referenced Intermunicipal Agreement to participate and become a member of the above-referenced Joint Board of Appeals.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Penn Forest Township as follows:

ARTICLE I
PARTICIPATION IN INTERMUNICIPAL AGREEMENT AND JOINT BOARD OF APPEALS

The Board of Supervisors of Penn Forest Township hereby authorizes the Borough of Parryville to enter into and become a part of an existing "Intermunicipal Agreement establishing a Joint Board of Appeal pursuant to the Uniform Construction Code" (hereinafter referred to as the "existing Agreement"), a copy of which is attached hereto and made a part hereof, by and among various municipalities located in Carbon County, Pennsylvania, specifically including Franklin Township, Penn Forest Township, Towamensing Township, East Penn Township and Mahoning Township and later, by Addendum, the Boroughs of Jim Thorpe, Leighton and Nesquehoning and the Township of Kidder.

ARTICLE II
DURATION OF THE AGREEMENT

The initial term of the existing Agreement is five (5) years from the date of execution of the existing Agreement, which was September 4, 2004. According to the existing Agreement, it shall continue in full force and be automatically renewed from year to year thereafter, unless terminated by the parties in accordance with the provisions thereof.

ARTICLE III
PURPOSES, OBJECTIVES, POWERS AND SCOPE

SECTION 1 The purpose of the existing Agreement is to establish a Joint Board of Appeals pursuant to the Uniform Construction Code by and among various municipalities located in Carbon County, Pennsylvania.

SECTION 2 As delineated in the existing Agreement, the responsibilities of the participating municipalities, including Penn Forest Township, and which shall now include the Borough of Parryville, are:

- A. Drafting and enacting an Ordinance that ratifies the Municipalities' participation in the Joint Board of Appeals and entering into the Agreement in accordance with the requirements of the Intergovernmental Cooperation Act.

- B. Adopting or amending the Municipalities' existing fee resolution to provide for substantially equivalent fees to be imposed for appeals to the Joint Board of Appeals.
- C. Eliminating any Board of Appeals which the Municipality may have established.
- D. Making their municipal building available for hearing appeals which derive or originate from the administration and enforcement of the Uniform Construction Code in their Municipality and having a solicitor available to advise the Joint Board of Appeals at the hearing

SECTION 3 The responsibilities of the Joint Board of Appeals are:

- A. Accept properly completed application for appeal (accompanied by the appropriate filing fee) based on a claim that the true intent of the Uniform Construction Code has been incorrectly interpreted, the provisions of the Uniform Construction Code do not fully apply or an equivalent form of construction is to be used.
- B. Hear and rule on appeals, requests for variances and requests for extensions of time.
- C. Hearings shall be held in accordance with the Local Agency Law.

ARTICLE IV FINANCING

Each Municipality, including Penn Forest Township, and which shall now include the Borough of Parryville, shall be responsible for all of the cost and expenses associated with appeals which derive or originate from the administration and enforcement of the Uniform Construction Code in that Municipality.

ARTICLE V ORGANIZATIONAL STRUCTURE OF JOINT BOARD OF APPEALS

SECTION 1 Establishment of Joint Board of Appeals As delineated in the existing Agreement, the Joint Board of Appeals shall consist of at least five (5) individuals who shall be qualified by training and experience to pass on matters pertaining to building construction. The Joint Board of Appeals shall consist of more than five (5) individuals if there are more than five (5) Municipalities who are members. This is, each Municipality shall be permitted to appoint at least one (1) member of the Board of Appeals. Training and experience may consist of licensure as an architect or engineer, experience in the construction industry, and training or experience as an inspector or plan reviewer. There shall also be two (2) alternate members who shall be called by the Chairman of the Board of Appeals to hear appeals during the absence or disqualification of a member. Designation of an alternate by the Chairman of the Board of Appeals pursuant to this section shall be made on a rotating basis (subject to availability of the alternate(s)).

SECTION 2 Term of Appointment to Joint Board of Appeals As delineated in the existing Agreement, the term of the first five (5) members shall be as follows: One (1) for five (5) years, One (1) for four (4) years, one (1) for three (3) years, one (1) for two (2) years, and One (1) for one (1) year. Thereafter, each new member shall serve for five (5) years or until a successor has been appointed. Alternate members shall also be appointed for five (5) years or until a successor has been appointed. If there are more than five (5) members appointed to the Board as near as possible an equal number of members shall appointed shall also be appointed so that their term shall expire evenly.

SECTION 3 Appointment of Members to Joint Board of Appeals As delineated in the existing Agreement, the members of the Joint Board of Appeals, and the Alternates, shall be appointed by the Municipalities on a rotating basis in alphabetical order until all of the positions are filled. Successors shall be appointed by the Municipality who appointed the person being succeeded (i.e., the person being replaced). The person appointed by each Municipality shall be a resident of one of the Municipalities.

ARTICLE VI
INSURANCE

As delineated in the existing Agreement, it is not anticipated that the Joint Board of Appeal will have any employees. Therefore, the Joint Board of Appeals in not empowered to enter into contracts for policies of group insurance and employee benefits, including Social Security, for employees.

ARTICLE VII
EFFECTIVE DATE

This Ordinance shall be effective immediately upon its adoption.

DULY ENACTED AND ORDAINED this 7th day of May, 2018, by the Board of Supervisors of Penn Forest Township, Carbon County, Pennsylvania, in lawful session duly assembled.

**BOARD OF SUPERVISORS OF PENN FOREST
TOWNSHIP, CARBON COUNTY, PENNSYLVANIA:**

Wanda Bunn
Paul J. Maki
Thomas W. Long
Scott Kippl

ATTEST:

A. Janna Vitale

Township Secretary

AND NOW, this 7th day of May, 2018, the above Ordinance is hereby approved.

I hereby certify and attest that the foregoing is a true and correct copy of an Ordinance enacted by the Board of Supervisors of Penn Forest Township on May 7, 2018.



DANA VITALE, Secretary