

ORDINANCE NO. 2004 -3

**AN ORDINANCE CREATING A JOINT BOARD
OF APPEALS PURSUANT TO THE UNIFORM
CONSTRUCTION CODE BY AND AMONG
VARIOUS MUNICIPALITIES LOCATED IN
CARBON COUNTY, PENNSYLVANIA**

WHEREAS, various municipalities located in Carbon County, Pennsylvania, including Penn Forest Township, ("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 "Uniform Construction Code") 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, each of the Municipalities recognizes that the establishment of a 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, each of the Municipalities recognizes that the establishment of a Joint Board of Appeals will enable each Municipality to appoint the best qualified individuals to the Board of Appeals thereby resulting in a highly qualified Board of Appeals; and

WHEREAS, the Act of December 19, 1996, P.L. 1158, as amended, 53 Pa.C.S.A. §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, each of the Municipalities desires to enter into an agreement whereby they will establish a Joint Board of Appeals to serve the Municipalities.

NOW THEREFORE, BE IT ORDAINED BY THE TOWNSHIP OF PENN
FOREST THAT:

**ARTICLE I
CONDITIONS OF AGREEMENT**

The Township of Penn Forest is authorized to enter into an Intermunicipal Agreement establishing a Joint Board of Appeals pursuant to the Uniform Construction Code (the "Agreement") by and among various municipalities located in Carbon County, Pennsylvania.

**ARTICLE II
DURATION OF AGREEMENT**

The duration of the initial term of the Agreement is five (5) years from the date of execution of the Agreement. The Agreement 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 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. The responsibilities of the participating municipalities 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 applications 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 Commercial 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 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. Each Municipality must adopt or amend its existing fee resolution to provide for substantially equivalent fees to be imposed for appeals to the Joint Board of Appeals.

**ARTICLE V
ORGANIZATIONAL STRUCTURE**

SECTION 1. Establishment of Joint Board of Appeals. 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. That 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. 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 be appointed so that their term shall expire evenly.


SECTION 3. Appointment of Members to Joint Board of Appeals. 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 (ie. the person being replaced). The person appointed by each Municipality shall be a resident of one of the Municipalities.

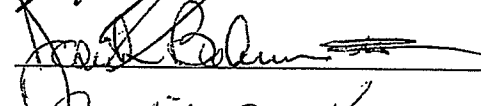
**ARTICLE VI
INSURANCE**

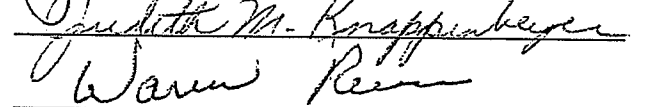
It is not anticipated that the Joint Board of Appeals will have any employees. Therefore, the Joint Board of Appeals is not empowered to enter into contracts for policies of group insurance and employee benefits, including Social Security, for employees.

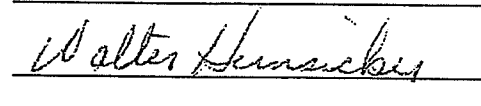
THIS ORDINANCE ENACTED AND ORDAINED, on the 7th day of September, 2004.


PENN FOREST TOWNSHIP SUPERVISORS



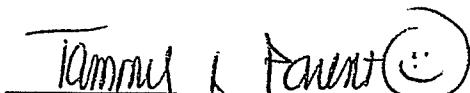








ATTEST:



Secretary