

ORDINANCE NUMBER 2018-07

OAKLAND TOWNSHIP, BUTLER COUNTY, PENNSYLVANIA

**AN ORDINANCE APPROVING A JOINT BUILDING CODE BOARD OF APPEALS
MULTI-MUNICIPAL AGREEMENT WITH CENTER TOWNSHIP, AND
AUTHORIZING THE PROPER TOWNSHIP OFFICERS TO EXECUTE THE
AGREEMENT AND TAKE ANY AND ALL OTHER ACTIONS NECESSARY TO
EFFECTUATE THE AGREEMENT**

WHEREAS, Oakland Township and Center Township, both second-class townships in Butler County, Pennsylvania, have enacted ordinances adopting the Uniform Construction Code ("UCC"), Act 45 of 1999, 35 P.S. § 7210.101 *et seq.* ("Act");

WHEREAS, Section 301 of the Act directed the Pennsylvania Department of Labor and Industry to promulgate regulations with respect to the administration and enforcement of the Act, which regulations were codified at Title 34 Pa. Code, Chapters 401, 403 and 405 ("Regulations");

WHEREAS, Section 403.121(d) of the Regulations, 34 Pa. Code § 403.121(d), as authorized by Section 501(c) of the Act, 35 P.S. § 7210.501(c), provides that two or more municipalities may establish a joint building code board of appeals through an intergovernmental agreement adopted under the authority of the Pennsylvania Intergovernmental Cooperation Act, 53 Pa.C.S. § 2301, *et seq.*

WHEREAS, Under the Pennsylvania Intergovernmental Cooperation Act, a municipality may enter into an intergovernmental cooperation agreement upon the passage of an ordinance by its governing body; and

WHEREAS, the Board of Supervisors desires to enter into an intergovernmental agreement with Center Township to designate a Joint Building Code Board of Appeals ("Joint Board of Appeals"), to hear and rule on appeals, requests for variances and requests for extensions of time as may be filed under Oakland Township's UCC ordinances.

NOW THEREFORE, it is hereby enacted and ordained by the Oakland Township Board of Supervisors ("Board") that the Township of Oakland Code of Ordinances, Chapter 1, Administration and Government, is hereby revised by adding Article 9, Joint Building Code Board of Appeals, as follows:

1. **Approval.** The Board hereby approves entering into the Building Code Board of Appeals Multi-Municipal Agreement ("Agreement"), a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference, with the intent and effect that Oakland Township ("Township") shall be bound by the Agreement.
2. **Execution of Agreement.** The Chairman of the Board is hereby authorized and directed on behalf of the Township to:

A. Execute and deliver the Agreement; and

B. Execute and deliver such additional instruments, and to take such further actions, as may be necessary or appropriate to carry forth the Agreement and the actions to be performed under the Agreement.

3. **Ratification of Actions Taken to Establish the Joint Board of Appeals.** All actions of any officer, agent or other representative of the Township heretofore taken in the pursuit of the establishment of the Joint Board of Appeals and/or the Township's participation therein are hereby ratified and approved in all respects.

4. **Other Action Authorized.** The Board is hereby authorized to take such other action as may be necessary or appropriate to carry out the purposes of this Ordinance and the Agreement.

5. **Compliance.** As required by the Pennsylvania Intergovernmental Cooperation Act, the following matters are specifically found and determined:

A. The conditions of the Agreement are set forth in the Agreement.

B. The Township shall utilize the Joint Board of Appeals for all appeals filed from application of the Township's UCC Ordinances for the "Term" as set forth in the Agreement.

C. The purpose and objectives of the Agreement are set forth in the background sections of this Ordinance and Agreement.

D. The manner and extent of financing the Agreement are that:

(1) No borrowing will be required by the Township;

(2) Funds to implement the Township's obligations under the Agreement shall come from normal and usual budgeted amounts for such matters; and

(3) Other provisions governing the manner and extent of the Township's obligations to finance the Joint Board of Appeals shall be as set forth in the Agreement.

E. Appeals originating from the application of the Township's UCC Ordinances and heard by the Joint Board of Appeals shall be administered by Oakland Township's Administrative Office.

F. The Township does not anticipate that the Joint Board of Appeals will be acquiring, managing, licensing or disposing of property, real or personal.

G. The Township does not anticipate that the Joint Board of Appeals will be entering into any contracts.

6. **Severability.** The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Township that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.
7. **Construal of Provisions.** Nothing contained in this Ordinance shall be construed to affect any suit or proceeding in any court, or any rights acquired, or liability incurred, or any cause of action existing prior to the enactment of this Ordinance.
8. **Effective Date.** This Ordinance shall become effective five (5) days after adoption.

ORDAINED AND ENACTED this 7th day of March, 2018 by the Board of Supervisors of Oakland Township in lawful session duly assembled.

ATTEST:

**OAKLAND TOWNSHIP
BOARD OF SUPERVISORS**

Sandra K. Lintz, Secretary

By: _____
Paul McEachin, Chairman

By: _____
Shaun Krill, Supervisor

By: _____
James Shipley, Supervisor