RESOLUTION 2021-21

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF MAIDENCREEK, BERKS COUNTY, PENNSYLVANIA, AUTHORIZING THE TOWNSHIP TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT AND PARTICIPATE IN THE BERKS COUNTY UNIFORM CONSTRUCTION CODE BOARD OF APPEALS

WHEREAS, certain Township and Boroughs in Berks County, Pennsylvania have enacted ordinances adopting the Uniform Construction Code ("UCC"), Act 45 of 1999, 35 P.S. §7210.101, et seq. (the "Act"); and,

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"); and,

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 board of appeals through an intergovernmental agreement adopted under the authority of the Pennsylvania Intergovernmental Cooperation Act, 53 Pa.C.S. §2301, et seq.; and,

WHEREAS, the Board of Supervisors of the Township of Maidencreek (Township) Berks County, PA (the Board) received an invitation to join and or continue with other municipalities and participate in the Berks County Uniform Construction Code Board of Appeals (hereinafter the "UCC Appeal Board"); and,

WHEREAS the Board believes that it is in the best interests of the Township residents to provide for the same with other municipalities to hear and rule on appeals, requests for variances, and requests for extension of time as may be filed from time to time; and,

WHEREAS, joinder by municipalities may now be accomplished by Resolution pursuant to 53 Pa. C.S. § 2305.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the Township of Maidencreek , Berks County, Pennsylvania, and resolved by the authority of the same as follows:

Section 1. The Whereas Clauses set forth above are incorporated herein and are an integral part of this Resolution.

Section 2. The Board hereby approves entering into the Agreement, a copy of which is attached hereto and incorporated herein by reference (and which shall be filed with the minutes of the meeting at which this Resolution was enacted), with the intent and effect that the Township shall be bound by the Agreement.

Section 3. The Chairman of the Board is hereby authorized and directed on behalf of the Township: (i) to execute and deliver the Agreement; and (ii) to 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 transactions to be effected under the Agreement, including payment of the participation fee to Berks County on behalf of the UCC Board of Appeals, as may be due from the Township under the Agreement.

Section 4. All actions of any officer, agent or other representative of the Township heretofore taken in the pursuit of the establishment of the UCC Board of Appeals and/or the Township's participation therein are hereby ratified and approved in all aspects.

Section 5. 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 of the Agreement.

Section 6. 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 UCC Board of Appeals for all appeals filed from application of the Township's UCC Ordinance for the term as set forth in the Agreement.

(c) The purpose and objectives of the Agreement are as set forth in the Background of this Resolution and in the Agreement.

(d) The manner and extent of financing the Agreement are that: (i) no borrowing will be required by the Township; (ii) funds to implement the Township's obligations under the Agreement shall come from normal and usual budgeted amounts for such matters; and (iii) other provisions governing the manner and extent of the financing of the UCC Board of Appeals shall be as set forth in the Agreement.

(e) The UCC Board of Appeals shall be administered by the Board of Commissioners in Berks County, or its designee.

(f) All property, real or personal, of the UCC Board of Appeals shall be acquired, managed, licensed or disposed of by the UCC Board of Appeals in accordance with the terms of the Agreement and the rules and procedures as may be adopted by the UCC Board of Appeals.

(g) The UCC Board of Appeals will not be entering into any contracts.

Section 7. The provisions of this Resolution are severable and if any section, sentence, clause, or 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, clauses, parts or provisions of this Resolution. It is hereby declared to be the intent of the Township that such Resolution would have been enacted if such illegal, invalid, or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 8. Nothing contained in this Resolution 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 Resolution.

Section 9. This Resolution shall become effective according to applicable law.

RESOLVED and ADOPTED by the Board of Supervisors of the Township of Maidencreek, Berks County, Pennsylvania, in lawful session duly assembled, this 13th day of May, 2021.

TOWNSHIP OF MAIDENCREEK
BOARD OF SUPERVISORS

BY: _____
Claude Beaver, Chairman

_____
David Franke Member

_____
Heidi Fiedler, Member

Attest:

_____
Diane Hollenbach Secretary