

ORDINANCE *No 124*
for
INTERGOVERNMENTAL COOPERATION

AN ORDINANCE AUTHORIZING AND ESTABLISHING AND PARTICIPATION IN THE CAMBRIA SOMERSET CODES ENFORCEMENT AGENCY, AND DELEGATING MUNICIPAL POWERS THERETO

THIS ORDINANCE, ESTABLISHING AN AGREEMENT, pursuant to the Pennsylvania Intergovernmental Cooperation Law, 53 Pa. C. S. § 2303, et seq., is hereby approved and entered as of the date of adoption of the Ordinance by the JACKSON TWP. BOARD OF SUPERVISORS and effective five (5) days thereafter.

WITNESSETH:

WHEREAS, the Municipality is a municipality located within Cambria County, Pennsylvania; and

WHEREAS, the Municipality recognizes that the growth and development in the Cambria and Somerset Counties in general, and in the geographic limits of The Municipality in particular, have increased the need for municipal services to their residents; and

WHEREAS, the Municipality has also recognized that local enforcement of the Uniform Construction Code, as mandated by state law, would be beneficial and convenient for its residents and would protect and preserve the health, safety, and welfare of its citizens; and

WHEREAS, the Municipality recognizes that administration of a code enforcement program is required, by state law, to be undertaken through the employment or contract of a trained, professional code official(s); and

WHEREAS, the Municipality recognizes that the employment of separate code officials to perform identical tasks within each Municipality would result in the duplication of effort and duplicative cost to the detriment of the residents of all Municipalities; and

WHEREAS, the Municipality recognizes that the coordination of services would enable each Municipality to minimize the costs of the administration of a code enforcement program; and

WHEREAS, the Act of July 12, 1972, P.L. 762, as amended, 53 P.S. §481 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, the Pennsylvania Department of Community and Economic Development ("Department") has established a program to encourage municipalities to enter into such agreements for the sharing of code enforcement services; and

WHEREAS, the Municipality desires to enter into an agreement whereby it will jointly establish and participate in a program of code enforcement to serve Municipalities throughout Cambria and Somerset Counties.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED and an Intergovernmental Cooperation Agreement is approved, in consideration of the various covenants, promises, and conditions hereinafter set forth and for other good and valuable consideration receipt of which is hereby acknowledged, it is hereby authorized and agreed by and between the Municipality and any and all other Municipalities located within the geographic boundaries of Cambria or Somerset Counties as follows:

1. The Municipality, hereby establishes the Cambria Somerset Codes Enforcement Agency and delegates all such powers as set forth below and as may be reasonable and necessary to carry out the Municipality's obligations and responsibilities under the Uniform Construction Code (Act 45 of 1999), and all Ordinances and Resolutions implementing the same (hereinafter collectively referred to as the Codes) within the geographic limits of the Municipality.

2. The Municipality hereby enters the Intergovernmental Cooperation Agreement, as attached hereto as Exhibit "A" and authorizes its officers to execute the same.

3. The Cambria Somerset Codes Enforcement Agency shall provide all normal and appropriate Code Enforcement Service within the geographic limits of the Municipality, on the same basis as the services that are provided within the geographic limits of other member municipalities. The Cambria Somerset Codes Enforcement Agency shall have those powers and abilities as appertain to municipal officers under the laws of the Commonwealth of Pennsylvania, or the Rules of the Supreme Court, or the Ordinances of the Municipality relating to enforcement of the Codes,

for which a mandate, fine or penalty is imposed.

4. The Governing Body of the Municipality reserves the right to set fees for issuance of building and other permits pursuant to the Codes by Resolution, from time to time, as the same may be modified by the program committee of the Agency to project their best estimate of actual costs of carrying out the Joint Code Enforcement Program.

5. This Ordinance and the Agreement adopted herewith shall constitute a binding agreement and shall be sufficient warrant and authority for the officials and agents as appointed by the Municipality to cooperate and assist the Agency in carrying out its duties and responsibilities under the Intergovernmental Co-operation Agreement.

6. The Code Enforcement Officers coming under the terms of the Agreement shall be at all times under the immediate supervision, direction and control of the Program Committee of the Cambria Somerset Codes Enforcement Agency. Questions, comments or complaints concerning the provision of services in Municipality pursuant to this Ordinance and Agreement shall be presented in writing to the Program Committee of the Cambria Somerset Codes Enforcement Agency. Any comments so received shall be answered in writing within five (5) days of the next regularly scheduled meeting of the Program Committee of the Cambria Somerset Codes Enforcement Agency.

7. The Program Committee of the Cambria Somerset Codes Enforcement Agency, shall provide a written report to the governing body of the municipality, prior to their respective regular monthly meetings, of the services rendered to and in the municipality for the previous month. Said report shall include an accounting including, but not limited to, the following: Permits issued, inspections made, complaints received, enforcement actions, and any other matters which the Program Committee believes to be appropriate for report.

8. The Cambria Somerset Codes Enforcement Agency shall retain all fees for permits or as otherwise provided for in the Fee Resolution. The Agency shall also retain for its own use any

costs or fines assessed in enforcement actions.

9. The term of this Agreement shall commence upon adoption of this Ordinance and extend for a period of five (5) years and thereafter as set forth in the Intergovernmental Agreement.

10. The qualified Code Official(s) hired by the Program Committee of the Cambria Somerset Code Enforcement Agency is/are hereby authorized to act on behalf of the municipality in enforcing any and all provisions of the Uniform Construction Code (Act 45 of 1999), and all Ordinances and Resolutions implementing the same.

11. The Municipality hereby adopts by reference, the provisions of the Uniform Construction Code (Act 45 of 1999).

12. This Agreement shall be binding and shall inure to the benefit of the parties hereto and their respective successors and assigns.

IN WITNESS OF THE PROPER ADOPTION OF THIS ORDINANCE AND APPROVAL OF THE INTERGOVERNMENTAL COOPERATION AGREEMENT SET FORTH HEREIN, the duly appointed officers of the governing bodies of the respective municipalities have hereunto have set forth their hands and seals.

Adopted by the Municipality as Ordinance No. 124 on the 26TH day of JUNE, 2003.

Name of Municipality

Attest:

David M. Kurko
Secretary
(Seal)

By: David J. Bucken
Chairman

(if applicable)

N/A

Approved: _____

Mayor

EXHIBIT "A"

Codes incorporated in the Joint Codes Enforcement Program:

Uniform Construction Code (Act 45 of 1999)