

BOARD OF SUPERVISORS
LANCASTER TOWNSHIP
LANCASTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2023-02

AN ORDINANCE APPROVING AND AUTHORIZING LANCASTER TOWNSHIP TO ENTER INTO THE AGREEMENT AND JOIN THE ESTABLISHED CENTRAL LANCASTER COUNTY UNIFORM CONSTRUCTION CODE BOARD OF APPEALS PURSUANT TO (1) CHAPTER 5 OF THE PENNSYLVANIA UNIFORM CONSTRUCTION CODE ("UCC"), 35 P.S. §7210.101 ET SEQ., AND (2) THE INTERGOVERNMENTAL COOPERATION LAW, 53 PA.C.S.A. §2301 ET SEQ.

UNDER AND BY VIRTUE OF THE AUTHORITY OF CHAPTER 5 OF THE UCC AND THE REGULATIONS ISSUED THEREUNDER AND SUBCHAPTER A (INTERGOVERNMENTAL COOPERATION) OF SUB-PART D (AREA GOVERNMENT AND INTERGOVERNMENTAL COOPERATION) OF THE GENERAL LOCAL GOVERNMENT CODE, 53 PA.C.S.A. §2301 ET SEQ., THE BOARD OF SUPERVISORS OF LANCASTER TOWNSHIP DOES HEREBY ENACT AND ORDAIN AS FOLLOWS:

Section 1. Background.

- A. The Legislature of Commonwealth of Pennsylvania has adopted legislation known as the "Uniform Construction Code", 35 P.S. § 7210.101 et seq. ("UCC"). The purpose of the UCC is to establish a uniform standards for construction of buildings and structures and the administration and enforcement of such standards.
- B. The UCC provides that individual municipalities may elect to administer the provisions of the UCC (by adoption of an ordinance) or allow the Department of Labor and Industry to administer the UCC within their municipal boundaries. Municipalities electing to administer the UCC must establish a board of appeals to hear appeals from the decision of the code administrator. The UCC allows for the establishment of a joint board of appeals by municipalities electing to administer the UCC pursuant to the terms of the Intergovernmental Cooperation Law, 53 Pa. C.S.A. § 2301, et seq.
- C. The seven municipalities that were members of the Lancaster Inter-Municipal Committee (hereinafter, "LIMC") have established a joint Central Lancaster County Uniform Construction Code Board of Appeals ("Appeals Board") were

East Petersburg Borough, Manor Township, Millersville Borough, Mountville Borough, Pequea Township, West Hempfield Township, and West Lampeter Township (collectively the "Participating Municipalities"). The Participating Municipalities, elected to administer the UCC within their own individual municipal boundaries in accordance with the terms thereof. The Participating Municipalities established the Appeals Board to hear appeals from decisions of the individual municipalities' code administrators as provided for by the Uniform Construction Code.

- D. The LIMC developed the Agreement for the Establishment of a Central Lancaster County Uniform Construction Code Board of Appeals which is attached hereto as Exhibit A (the "Agreement").
- E. Lancaster Township desires to join the established Appeals Board under the terms of the Agreement.
- F. The term of the Agreement is indefinite, but is subject to the right of any participating municipality to terminate its participation in this Agreement, at any time subject to the provisions thereof.
- G. The purpose and objective of the Agreement are to implement the provisions of the UCC with respect to multi-municipality boards of appeals.
- H. The costs of the operation of the Appeals Board shall be shared in accordance with the provisions of the Agreement.
- I. The Agreement provides for the formation of a joint Appeals Board to hear appeals from the decision of each Participating Municipality's code administrator.
- J. It is not anticipated that any real or personal property will be acquired by Appeals Board pursuant to the Agreement.
- K. Although it is not anticipated that the Appeals Board will hire regular employees, the Appeals Board shall be empowered under the Agreement, but not required, to enter into contracts for policies for group insurance and employee benefits, including social security, for its employees, as applicable.

Section 2.

The Agreement, a copy of which is appended hereto as Exhibit "A", is hereby approved by Lancaster Township, and the Chair of the Board of Supervisors shall, on behalf of the Township, execute the said Agreement as appended hereto as Exhibit "A".

Section 3.

The Township's obligations to enter into the Agreement and its obligations under the Agreement are expressly conditioned upon all other Participating Municipalities, as referenced in the said Agreement, enacting and authorizing the entry into the Agreement by Lancaster Township on the same terms and conditions as are applicable to the Township.

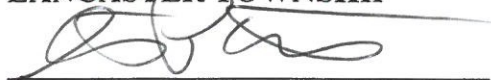
Section 4.

This Ordinance shall take effect in accordance with applicable law.

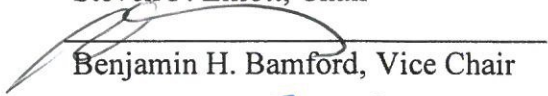
ENACTED AND ORDAINED by the Lancaster Township this 11th day of September, 2023.



LANCASTER TOWNSHIP



Steven P. Elliott, Chair



Benjamin H. Bamford, Vice Chair



Iber Guerrero Lopez, treasurer

CERTIFICATE

I, the undersigned, Secretary of the Township of Lancaster, Lancaster County, Pennsylvania (the "Township"), certify: that the foregoing is a true and correct copy of an Ordinance (Ordinance 2023-02.) of the Board of Supervisors of the Township ("Board of Supervisors"), which duly was enacted by affirmative vote of a majority of all members of the Board of Supervisors at a meeting duly convened and held according to law on the eleventh (11th) day of September 2023, at which meeting a quorum was present; that said Ordinance duly has been recorded in the ordinance book of the Township; that said Ordinance duly has been published as required by law, and that said Ordinance is in full force and effect, without amendment alteration or repeal, as of the date of this Certificate.

I further certify that the Board of Supervisors met the advance notice and public comment requirements of the Sunshine Act, Act No. 1986-84 of the General Assembly of the Commonwealth of Pennsylvania, approved July 3, 1986, as amended, by advertising said meeting, by posting prominently a notice of said meeting at the principal building of the Township, or at the public building in which said meeting was held, by posting, if applicable to the Township's website, and by providing reasonable opportunity for public comment at said meeting, all in accordance with such Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this eleventh (11th) day of September 2023.


William M. Laudien, Secretary

(SEAL)

Ord 2023-02

4593706

PROOF OF PUBLICATION NOTICE IN


State of Pennsylvania}

} ss:

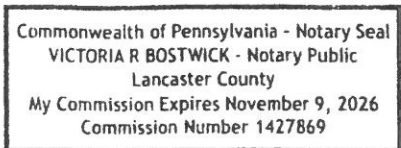
County of Lancaster}

An Affiant of the County and State aforesaid, being duly sworn, deposes and says that the LNP, a newspaper of general circulation published at Lancaster, County and State aforesaid, was established 1741-1847 since which date said newspaper has been regularly issued in said county, and that a true and correct copy of the printed notice or publication is attached hereto as was printed and published in the regular editions and issues of said newspaper on the following dates: 09/01/23

Affiant further deposes that he/she is the Clerk duly authorized by the LNP Media Group, Inc., a corporation, publisher of said LNP, a newspaper of general circulation, to verify the foregoing statement under oath, and also declares that affiant is not interested in the subject matter of the aforesaid notice or advertisement and that all allegations in the foregoing statement as to time, place and character of publication are true.


Affiant's Signature


Notary Public



Notice is hereby given that the Board of Supervisors of Lancaster Township, Lancaster County, Pennsylvania, at its regular public meeting on September 11, 2023, at 6:00 PM, prevailing time, at the Lancaster Township Municipal Building, 1240 Maple Avenue, Lancaster, Pennsylvania, shall consider and, if appropriate, at that meeting or at a subsequent public meeting held within 60 days after the publication of this advertisement, shall enact an ordinance, a summary which is as follows: AN ORDINANCE APPROVING AND AUTHORIZING LANCASTERTOWNSHIP TO ENTER INTO THE AGREEMENT AND JOIN THE ESTABLISHED CENTRAL LANCASTER COUNTY UNIFORM CONSTRUCTION CODE BOARD OF APPEALS PURSUANT TO (1) CHAPTER 5 OF THE PENNSYLVANIA UNIFORM CONSTRUCTION CODE ("UCC"), 35 P.S. §7210.101 ET SEQ., AND (2) THE INTERGOVERNMENTAL COOPERATION LAW, 53 PA.C.S.A. §2301 ET SEQ. The Ordinance as proposed permits Lancaster Township to join with other municipalities in a joint Uniform Construction Code appeals board..

A copy of the proposed ordinance may be examined without charge at the offices of this newspaper, online at www.twp.lancaster.pa.us, or weekdays between the hours of 8:00 am and 4:00 pm at the Lancaster Township Municipal Office, 1240 Maple Ave, Lancaster, PA. A copy of the proposed ordinance may be obtained for the cost of reproduction at the Lancaster Township Municipal Building.

NIKOLAUS &
HOHENADEL LLP
Township Solicitor

RESTATED AND AMENDED AGREEMENT FOR
THE ESTABLISHMENT OF A CENTRAL LANCASTER COUNTY
UNIFORM CONSTRUCTION CODE BOARD OF APPEALS
2023

This AGREEMENT is made this 11th day of September 2023, by and among the Townships of Manor, Pequea, West Hempfield, West Lampeter and Lancaster, and the Boroughs of Columbia, East Petersburg, Millersville, Mountville, and Strasburg, County of Lancaster, Commonwealth of Pennsylvania, to establish a Central Lancaster County Uniform Construction Code Board of Appeals (“Appeals Board”).

DEFINITIONS

LIMC – The Lancaster Inter-Municipal Committee.

Municipality – Any city, borough, or township in Lancaster County, Pennsylvania.

Participating Municipality – Any Municipality that is a party to this Agreement or becomes a party to this Agreement. A Participating Municipality may be either a Member Municipality or an Associate Municipality.

Member Municipality – A Participating Municipality that is also a member of the LIMC.

Associate Municipality – A Participating Municipality that is not a member of the LIMC.

Pennsylvania Construction Code Act – Act 45 of 1999, as amended and as may be amended in the future, 35 P.S. §7210.101 et seq.

Regulations – All regulations duly adopted by the Pennsylvania Department of Labor and Industry or successor agency designated by the Pennsylvania Construction Code Act to implement the Pennsylvania Construction Code Act including, but not limited to, 34 Pa. Code Chapters 401, 403, and 405.

BACKGROUND

The Legislature of Commonwealth of Pennsylvania adopted legislation known as the Pennsylvania Construction Code Act, which established the Uniform Construction Code

SECTION 1. ESTABLISHMENT OF APPEALS BOARD

- 1.1 The Participating Municipalities do hereby ratify and confirm the creation and establishment of the “Central Lancaster County Uniform Construction Code Board of Appeals,” hereinafter referred to as the “Appeals Board.” The Appeals Board as currently constituted shall continue to serve as the appellate body which hears appeals from decisions of the Participating Municipalities’ code administrators as provided for by the Uniform Construction Code and Regulations. The Appeals Board need not be reappointed.
- 1.2 The Participating Municipalities have or shall designate by ordinance the Appeals Board as the body to hear appeals brought under:
 - 1.2.1 The Uniform Construction Code and ordinances adopting and/or amending the Uniform Construction Code.
 - 1.2.2 The Regulations.
- 1.3 The Participating Municipalities shall share the administrative costs of the Appeals Board and Appointments Committee (as defined hereafter) in equal shares. Administrative costs shall not include costs relating to any specific appeals, which are covered in paragraph 5.6.

SECTION 2. PARTICIPATION

- 2.1 Any LIMC Municipality that desires to become a Member Municipality may do so upon the completion of the following:
 - 2.1.1 Adoption of an ordinance approving this Agreement by the proposed Member Municipality;
 - 2.1.2 Execution of a counterpart of this Agreement;
 - 2.1.3 Identification of the proposed Member Municipality’s representative to the Appointments Committee; and

The Appeals Board is established to provide a process for the resolution of code grievances derived from the decision of the respective code administrator in order to insure the health, safety, and general welfare for the citizens of the Participating Municipalities.

SECTION 4. ORGANIZATION

4.1 Any resident of the Participating Municipalities having the qualifications set forth in the Regulations shall be eligible for appointment to the Appeals Board. The intent of the regional appeals board is to provide uniform interpretation of the codes and to recruit persons who are well qualified professionally. Therefore, it is not expected that representation will necessarily reflect any sort of balance among the Participating Municipalities. Further, upon the execution of this amended and restated Agreement and/or any future addition of Member Municipalities or Associate Municipalities to this Agreement, it will not be necessary to reappoint the Appeals Board or make any adjustment to the Appeals Board's composition.

A resident of any other Municipality may fill a position on the Appeals Board when the Participating Municipalities cannot find a person within the Participating Municipalities who satisfies the requirements of the Regulations.

4.2 Each Participating Municipality may nominate one or more persons who meet the requirements of the Regulations to serve on the Appeals Board. An Appointments Committee consisting of one representative from each Participating Municipality shall review the nominees and appoint an Appeals Board of seven members; the Appointments Committee representative from each Participating Municipality shall be appointed by that municipality's governing body. The term of a member of the Appeals Board shall be three years. Initial appointments to the Appeals Board were staggered so that three members serve for three years, two members serve for two years, and two members serve for one year. In case of a vacancy on the Appeals Board, each Participating Municipality may nominate a person to fill the vacancy, and the Appointments Committee shall appoint a member to fill the vacancy for the remainder of the unexpired term. Meetings of the Appointments Committee shall be conducted in accordance with the Sunshine Act (65 Pa. C. S. §701 et seq.). The members of the Appeals Board shall hear appeals from the decision of the code administrators of the various municipalities.

4.3 Members of the Participating Municipalities' governing boards and their code administrators may not serve on the Appeals Board.

4.9.2 The extent to which the granting of a variance or an extension of time will pose a violation of the Uniform Construction Code or an unsafe condition.

4.9.3 The availability of professional or technical personnel needed to come into compliance.

4.9.4 The availability of materials and equipment needed to come into compliance.

4.9.5 The efforts being made to come into compliance as quickly as possible.

4.9.6 Compensatory features that will provide an equivalent degree of protection to the Uniform Construction Code.

4.10 If the owner or owner's agent requests a hearing, the Appeals Board shall schedule a hearing and notify the owner or owner's agent and building code administrator of the date, time and place of the hearing.

The Appeals Board may:

4.10.1 Deny the request in whole or in part.

4.10.2 Grant the request in whole or in part.

4.10.3 Grant the request upon certain conditions being satisfied.

SECTION 5. APPEAL PROCEDURE

5.1 All meetings and hearings shall be legally advertised and conducted according to the Pennsylvania State "Sunshine Act" (65 PA C.S. 701-716), as amended, and all other applicable law, including the Pennsylvania Construction Code Act, Uniform Construction Code, and Regulations. The Appeals Board shall adopt formal rules for its proceedings.

5.2 An owner wishing to appeal a decision of the construction code administrator shall file an appeal within the timeframe provided by applicable law. All appeals shall be filed in writing with the construction code administrator or Manager of the Participating Municipality.

TOWNSHIP OF MANOR

Attest: _____
Secretary

By: _____
Chair, Board of Supervisors

TOWNSHIP OF PEQUEA

Attest: _____
Secretary

By: _____
Chair, Board of Supervisors

TOWNSHIP OF WEST HEMPFIELD

Attest: _____
Secretary

By: _____
Chair, Board of Supervisors


TOWNSHIP OF WEST LAMPETER

Attest: _____
Secretary

By: _____
Chair, Board of Supervisors

TOWNSHIP OF LANCASTER

Attest: 
Secretary

By: 
Chair, Board of Supervisors

BOROUGH OF COLUMBIA

Attest: _____
Secretary

By: _____
Chair, Board of Commissioners

BOROUGH OF STRASBURG

Attest: _____
Secretary

By: _____
Chair, Board of Commissioners

BOROUGH OF MOUNTVILLE

Attest: _____

By: _____

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