

MILLERSBURG BOROUGH
DAUPHIN COUNTY, PENNSYLVANIA

ORDINANCE NO. 02-08

AN ORDINANCE OF THE MILLERSBURG BOROUGH COUNCIL, DAUPHIN COUNTY, PENNSYLVANIA, TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT TO PROVIDE A JOINT MUNICIPAL BUILDING CODES BOARD OF APPEALS.

WHEREAS, pursuant to the Uniform Construction Code Act (35 P.S. § 7210, et seq., as amended) (hereinafter the "Act"), Millersburg Borough has adopted the Uniform Construction Code (34 Pa. Code Chapters 401-405, as amended) (hereinafter the "Code");

WHEREAS, Millersburg Borough has "opted in" to the enforcement of the Act and Code, meaning the Municipality is responsible for enforcement of the provisions of the Uniform Construction Code;

WHEREAS, the Act and code requires municipalities opting to so enforce the provisions of the Act and Code to establish a Board of Appeals;

WHEREAS, the Act and Code provide that municipalities may elect to create and anticipate in a Joint Board of Appeals, if such action is approved by the individual governing bodies of said municipalities, pursuant to an intermunicipal agreement under 53 Pa. C.S. § 2301 et seq., relating to inter-governmental cooperation;

WHEREAS, pursuant to the Pennsylvania Intergovernmental Cooperation Act, 53 Pa. C.S.A. § 2301 et seq., a municipality may enter into an intergovernmental cooperation agreement upon the passage of an ordinance by its governing body; and

WHEREAS, a joint appeals board will be established pursuant to an intermunicipal cooperation agreement entitled the "Intermunicipal Agreement Creating a Joint Upper Dauphin Council of Governments UCC Board of Appeals" (hereinafter the "Agreement").

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Borough Council of Millersburg Borough, Dauphin County, Pennsylvania (hereinafter the "Municipality"), as follows:

1. The recitals of this Ordinance as set forth above are incorporated herein by reference.
2. The Municipality hereby approves and adopts the Agreement, a copy of which is attached hereto and incorporated herein by reference as Exhibit "A" and directs the appropriate Millersburg Borough official to execute the Agreement on its behalf.

3. The conditions of Agreement, the duration of the term of the Agreement, the purpose and objectives of the Agreement, and the manner and extent in financing the Agreement and the organizational structure necessary to implement the Agreement are all set forth at length in the Agreement which is attached as Exhibit "A" hereto.

4. A copy of the Agreement shall be filed with the minutes of the meeting at which this Ordinance was enacted and the appropriate Borough official is directed to execute the Agreement on behalf Millersburg Borough, with the intent and effect that this Municipality shall be bound by the Agreement and all terms and conditions thereof.

5. This Ordinance shall become effective immediately upon enactment hereof.

DULY ORDAINED AND ENACTED this 22nd day of October, 2008,
by the Borough Council of Millersburg Borough, Dauphin County, Pennsylvania.

ATTEST:

MILLERSBURG BOROUGH

By: Ann Bowman Jackson
Secretary

By: [Signature]
President

By: Bruce Kern Mueser
Mayor