

ORDINANCE NO. 1010

AN ORDINANCE OF THE BOROUGH OF HATBORO AUTHORIZING THE ENTRY INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH RESPECT TO THE ESTABLISHMENT OF A JOINT BOARD OF APPEALS TO HEAR APPEALS, REQUESTS FOR VARIANCES OR EXTENSIONS OF TIME UNDER THE PROVISIONS OF THE UNIFORM CONSTRUCTION CODE AND AUTHORIZING OTHER NECESSARY ACTION.

WHEREAS, the Borough of Hatboro (hereinafter the "Borough") is authorized under the provision of the Pennsylvania Intergovernmental Cooperation Act, 53 Pa.C.S.A. §2301 et seq. (hereinafter the "Act"), to enter into agreements with other political subdivisions for the purpose of carrying out essential governmental functions; and

WHEREAS, the Borough has determined to undertake to enforce the provisions of the Pennsylvania Uniform Construction Code, as amended, 35 P.S. §7210.101 et seq. (hereinafter the "Construction Code") to carry out its interest in promoting the public health and safety; and

WHEREAS, the Construction Code provides, pursuant to the regulations adopted thereunder and set forth in 34 Pa. Code §§ 403.121 and 402.122, for the appointment and powers of a Board of Appeals to handle appeals from the decisions of the building officials, requests for variances, or extension of time under the Construction Code.

NOW, THEREFORE, it is hereby ENACTED and ORDAINED as follows:

Section 1. **Authorization of Entry Into Intergovernmental Cooperation Agreement.** The proper officers of the Borough are hereby authorized and directed to execute and deliver on behalf of the Borough, the Intergovernmental Cooperation Agreement (the "Agreement"), in substantially the form attached hereto as Exhibit "A", with respect to the creation, powers and appointment of a Joint Appeals Board to act with respect to all of the parties to the Agreement.

Section 2. **Powers of Joint Appeals Board.** The Joint Appeals Board shall have all of the powers and shall be subject to the limitations of and shall exercise its authority in conformity with the provisions of the Construction Code and the regulations adopted thereunder and set forth in 34 Pa. Code §403.121 and §403.122.

Section 3. **Appointment of Member.** The Borough shall appoint and reappoint one member of the Joint Appeals Board, by resolution, from time to time, as required, which member shall serve an indefinite term, provided that such member maybe removed, with or without cause, by a majority vote of the Council of the Borough; provided, further, that no member of the Joint Appeals Board shall be removed during the pendency of a hearing or application, until the hearing is concluded and a decision of the Joint Appeals Board has been rendered.

Section 4. **Authorization of Further Action.** The proper officers of the Borough are hereby authorized and directed to take all such actions, execute, deliver, file and/or record all such documents, publish all notices and otherwise comply with the provisions of this Ordinance and the Act insofar as the transaction contemplated by this Ordinance, in the name and on behalf of the Borough.

Section 5. **Severability.** In case any one or more of the provisions contained in this Ordinance or in the Agreement pursuant hereto shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Ordinance or of said Agreement, and this Ordinance or said Agreement shall be construed and enforced as if such invalid, illegal or unenforceable provision had never been contained therein.

Section 6. **Repealer.** All Ordinances and parts of Ordinance heretofore adopted, to the extent that the same are inconsistent in any manner herewith, are hereby repealed.

Section 7. **Effective Date.** This Ordinance shall take effect on the earliest date permitted by law.

Approved by the Borough Council of the Borough of Hatboro, this 23rd day of April, 2012.

Attest:


STEVEN BLAUGHER, Secretary

BOROUGH OF HATBORO


JOHN ZYGMUNT, Council President


NORM HAWKES, Mayor