

**BOROUGH OF LIGONIER
WESTMORELAND COUNTY
PENNSYLVANIA**

ORDINANCE NO. 583

AN ORDINANCE OF THE BOROUGH OF LIGONIER, WESTMORELAND COUNTY, PENNSYLVANIA, AUTHORIZING INTERGOVERNMENTAL COOPERATION AND PARTICIPATION BY ESTABLISHING MEMBERSHIP WITH OTHER MUNICIPALITIES PURSUANT TO THE REQUIREMENTS OF PENNSYLVANIA CONSOLIDATED STATUTES, TITLE 53, SECTIONS 2301 AND 2315, BEING THE ACT OF DECEMBER 19, 1996, P.L. 1158, NO. 177, COMMONLY KNOWN AS THE INTERGOVERNMENTAL COOPERATION LAW, AS AMENDED, OF THE COMMONWEALTH OF PENNSYLVANIA AS TO ADMINISTRATION AND ENFORCEMENT OF THE UNIFORM CONSTRUCTION CODE

WHEREAS, Pennsylvania Consolidated Statutes, Title 53, Section 2301 thru 2315, being the Act of December 19, 1996, P.L. 1158, No. 177, commonly known as the Intergovernmental Cooperation Law, is the law governing intergovernmental cooperation within the Commonwealth of Pennsylvania; and,

WHEREAS, the Council of the Borough of Ligonier desires to participate and cooperate in the Cambria County Building Code Enforcement Agency relative to administration and enforcement of Act 45 of 1999 Uniform Construction Code (UCC), 35 P.S. 7210.101 et seq. and its Regulations promulgated thereunder, 34 PA Code Chapter 401 et. seq. as may be amended from time to time; and,

WHEREAS, the Council of the Borough of Ligonier recognizes that enforcement of the Uniform Construction Code would be beneficial for its residents and would protect and preserve the health, safety, and welfare of its citizens; and,

WHEREAS, the Council of the Borough of Ligonier recognizes that the coordination of services relative to administration and enforcement of the Uniform Construction Code would enable each Municipal Member of the Cambria County Building Code Enforcement Agency to minimize the costs of administration and enforcement of the Uniform Construction Code; and,

WHEREAS, Pennsylvania Consolidated Statutes, Title 53, Sections 2301 through 2315, being the Act of December 19, 1996, P.L. 1158, No. 177, commonly known as the Intergovernmental Cooperation Law, requires that the aforesaid agency relationship be established by Ordinance of cooperating units of government/municipalities.

NOW, THEREFORE, with the foregoing recitals incorporated herein by reference, **BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF LIGONIER, WESTMORELAND COUNTY, PENNSYLVANIA, AND IT IS HEREBY ORDAINED AND ENACTED ON BEHALF OF SAID MUNICIPALITY, AS FOLLOWS:**

ARTICLE I - PURPOSE

The Council of the Borough of Ligonier, Westmoreland County, Pennsylvania, finds it desirable to enact this Ordinance to:

- A. Protect the health, safety, and welfare of the residents of the Borough.
- B. Create a Multi-Municipal Local Agency for the administration of the Uniform Construction Code (Act 45 of 1999 - 35 P.S. 7210.101 et. seq.) and its Regulations promulgated thereunder (34 PA Code Chapters 401 et seq.), as amended or may be amended from time to time.

ARTICLE II -GRANT OF POWER

This Ordinance is adopted pursuant to the powers granted in:

A. Act of December 19, 1996, P.L. 1158, No. 177, commonly known as the Intergovernmental Cooperation Law, governing intergovernmental cooperation agreements within the Commonwealth of Pennsylvania (53 P.S. Sections 2301 et. seq.) as amended or as may be amended from time to time; and,

B. Act 45 of 1999 - the Uniform Construction Code (35 P.S. 7210.101 et. seq.) and its Regulations (34 PA Code Chapters 401 et. seq.) as amended or may be amended from time to time; and,

C. Pennsylvania Local Agency Law (2 Pa.C.S.A. Section 105 et. seq.) as amended or as may be amended from time to time.

ARTICLE III - CREATION OF CAMBRIA COUNTY BUILDING CODE ENFORCEMENT AGENCY

The governing body hereby:

A. Creates, constitutes and establishes the Cambria County Building Code Enforcement Agency for the purposes described above;

B. The Borough shall within 90 days of the adoption of this ordinance enact an Ordinance to adopt the Uniform Construct Code (Act 45 of 1999);

C. As soon as possible, but not later than thirty (30) days after the adoption of this Ordinance, every Member shall, by action of its Governing Body, appoint a Representative to the Cambria County Building Code Program Committee. Such

Program Committee Member shall be a member of the Governing Body of the Member Municipality;

D. Conveys to the Cambria County Building Code Enforcement Agency, through its officers/Program Committee, employees, servants and agents the authority to act on behalf of the Governing Body relative to the administration and enforcement of all aspects of the Uniform Construction Code and Regulations promulgated thereunder;

E. Directs the Program Committee to, at all times, act in a manner consistent with said Act and Regulations and the additional provisions of this Ordinance.

F. Directs the Program Committee to establish and, further, pledges to pay in a timely manner, initial and annual membership fees, together with prorated or equal share of costs of the salary and benefit package of the Code Officials) and other employees as to generally acceptable office administration and expenses. Directs the payment of other costs of administering the Uniform Construction Code within the Municipality, including but not limited to the enactment, amendment and updating of ordinances and prosecution costs for violations of ordinances.

G. Authorizes the Program Committee to acquire, manage, license and/or dispose of real and/or personal property for the necessary operation of the Agency.

ARTICLE IV - RESPONSIBILITIES OF PARTICIPATING MUNICIPALITIES

The following activities/actions are the sole responsibility of the Member Municipalities:

A. Drafting and enacting an ordinance that authorizes and/or ratifies the Municipality's participation in the Cambria County Building Code Enforcement Agency and the entering into Agreement(s) in accordance with the requirements of the Intergovernmental Cooperation Law/Act.

B. Adopting and amending the Municipality's existing fee resolution providing for identical fees to be imposed for the issuance of building permits and other permits required under the Codes to be enforced as a part of the Cambria County Building Code Enforcement Agency.

C. Provide adequate insurance coverage for all aspects of the Program to include errors and omissions insurance and general liability insurance for actions of the Code Official(s) and the Program Committee.

D. In the event a third-party agency or individual is retained for code enforcement services, to obtain verification of liability insurance, errors and omissions insurance and workmen's compensation insurance in such amount(s) as determined by the Program Committee, with proper evidence of certifications of insurance being provided on an annual basis or such other period of time as determined by the Program Committee.

E. Eliminate the position of, or modify the responsibilities of, any existing Municipal employee so as to eliminate conflicts and/or overlaps with the responsibilities of the Code Officials.

ARTICLE V - RESPONSIBILITIES OF PROGRAM COMMITTEE

The following activities are the responsibility of the Program Committee:

- A. Prepare and adopt by-laws that:
 - 1. Define the method by which (future) committee representatives will be appointed;
 - 2. Set forth the method by which the Committee will conduct business;
 - 3. Establish a quorum for the conduct of business;
 - 4. Establish meeting times and dates;
 - 5. Define the manner in which vacancies will be filled;
 - 6. Create any necessary subcommittees;
 - 7. Establish fees for the various services to be performed;
 - 8. Establish a Board of Appeals in accordance with the Act 45 of 1999 and its Regulations;
- B. Prepare and submit an annual budget;
- C. Prepare and submit annual reports to participating municipalities;
- D. Prepare and submit, on behalf of the Member Municipalities, applications for grants-in-aid or as to the securing of other necessary financial assistance and/or loans necessary for the operation of the Agency;
- E. Recruiting and hiring of the Code Official(s) and other employees of the Agency and directing their/its responsibilities and duties.
- F. Establishment of the salary and benefit package for the Code Official(s) and other employees of the Agency;
- G. Evaluation of the performance of the Code Official(s) within the first six (6) months and annually thereafter;

H. Review of ordinances of each Municipality with suggestions for the enactment of new ordinances to be administered by the Cambria County Building Code Enforcement Agency;

I. Resolution of any problems or concerns between Municipalities and the formulation of policy-oriented decisions;

J. Create an employees' manual containing job descriptions, and qualifications for employment;

K. Secure by contract, or other arrangement, legal counsel and the services of other professions, as may be necessary or desirable to advance the work of the Committee.

ARTICLE VI - INTERGOVERNMENTAL COOPERATION AGREEMENT

Each Member Municipality shall enter into an Inter-municipal Agreement in the form as attached hereto as Exhibit "A", and any supplements and/or amendments thereto; or enter into such other Intergovernmental Cooperation Agreement(s) which, from time to time may be approved by and submitted to the Member Municipalities by the Program Committee. Each Member Municipality agrees to abide by and to be legally bound by such Intergovernmental Agreement(s), and any Intergovernmental Agreement(s) entered into as of the date of this Ordinance's adoption and/or amendments/supplements relative thereto. This Ordinance ratifies and amends any Intergovernmental Agreement entered into, to the extent inconsistent herewith, and allows for the adoption (if need be) of a subsequent Intergovernmental Cooperation Agreement.

ARTICLE VII - TERM OF PARTICIPATION, NEW MEMBERS

A. The participation in the Cambria County Building Code Enforcement Agency by the governing body shall begin on the effective date of this Ordinance, and shall continue for a period of two (2) years,

B. After the expiration of the aforesaid two (2) year period, participation shall continue; such participation shall continue on a year to year basis unless ninety (90) days prior to the beginning of the fiscal year, the Municipality notifies the Agency, in writing, of its intent to repeal this Ordinance.

C. Additional municipalities may become a Member of the Agency upon obtaining the consent of the Program Committee and thereafter enacting this Ordinance in its entirety.

D. In the event that it becomes necessary to change this Ordinance in whole or in part, no changes shall become effective and no new or altered obligation or duty shall be placed upon the Program Committee and/or Agency, and no change in the term of this Ordinance shall become effective until such time as every participating municipality shall have adopted an identical amendatory ordinance or duly adopted Resolution.

ARTICLE VIII - SEVERABILITY

If any sentence, clause, section, part or article of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such finding shall not impair, affect or have similar effect upon any of the remaining sentences, clauses, sections, or parts or

articles. It is hereby declared that the intent of this Governing Body would have been to enact and adopt the remainder of the Ordinance as if the unconstitutional, illegal or invalid portion had not been included in the original enactment.

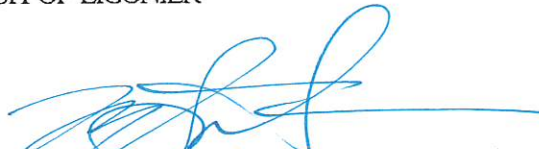
ARTICLE IX - EFFECTIVE DATE


This Ordinance shall take effect five days from the date of adoption .

inscribed below.

ADOPTED this 29th day of August 2023 by the Council of the Borough of Ligonier, Westmoreland County, Pennsylvania

BOROUGH OF LIGONIER



COUNCIL PRESIDENT


MAYOR

ATTEST:



SECRETARY

SEAL

EXHIBIT "A"

INTERMUNICIPAL AGREEMENT

THIS AGREEMENT made this 29th day of August, 2023, by and between The Borough of Ligonier, a municipal corporation organized under the laws of Pennsylvania, with its municipal offices located in the County of Westmoreland, Pennsylvania (hereinafter sometimes referred to as the "Municipality") and the other agencies of local government in Cambria and Clearfield and Somerset and Westmoreland Counties of Pennsylvania which have adopted this identical Agreement for the purpose of establishing and participating in the Cambria County Building Codes Enforcement Agency, (hereinafter sometimes referred to as the "Agency"). The only limitation on participation shall be the geographic boundaries of Cambria or Clearfield or Somerset or Westmoreland Counties.

WITNESSETH:

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

WHEREAS, the Municipality recognizes that the growth and development in the Cambria and Clearfield and Somerset and Westmoreland 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 and certified, 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 December 19, 1996 P.L. 1158, No. 177 - 53 P.S. §2301 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 they will jointly establish and participate in a program of code enforcement to serve Municipalities throughout Cambria and Clearfield and Somerset and Westmoreland Counties.

NOW, THEREFORE, The Municipality, hereby establishes the Cambria County Building Code 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 within the geographic limits of the Municipality. The foregoing recitals are incorporated herein by reference and made a part hereof and in consideration of the mutual promises and obligations of each Municipality participating herein and the benefits which are anticipated to flow therefrom, and intending to be legally bound hereby, the Municipality agrees as follows:

1. Establishment of Joint Code Enforcement Program.

The Municipality shall participate in a program for the administration and enforcement of municipal codes which shall include the enactment of certain ordinances and the sharing of the services of a code official(s) in accordance with the provisions of this Agreement. Such program shall be known as the "Joint Code Enforcement Program" and shall be administered in accordance with the provisions of this Agreement.

2. Establishment of Codes. It is the intention of the Municipality that the Joint Code Enforcement Program shall include the Uniform Construction Code and issuance of Building and Occupation Permits. The Municipality intends that the Joint Code Enforcement Program may be extended, upon unanimous consent of the then participating municipalities to this Agreement, to include other code enforcement programs in the future. A listing of current Codes incorporated in the Joint Code Enforcement Program is attached hereto as Exhibit "B" and incorporated by reference herein.

A. Enactment of the Uniform Construction Code. All participating Municipalities shall adopt and maintain Ordinances authorizing the Uniform Construction Code (Act 45 of 1999), this Agreement, and the enforcement of the same within the geographic limits of the Municipality by the Agency.

B. Incorporation of additional codes into Program. It is the intent of the Municipalities not to limit this Agreement to enforcement of the code listed in Paragraph 2(A) herein. Upon unanimous consent of the then participating municipalities to this Agreement, the Code Official(s) may enforce other codes, including but not limited to property maintenance codes. The Program Committee shall propose such other codes, that shall be included in the Joint Code Enforcement Program, any amendments or updates necessary to such codes and ordinances, and the time frames within which such approval to the program shall by amendments to ordinances be enacted or amended.

3. Establishment of Program Committee. The Joint Code Enforcement Program shall be administered by the Program Committee.

A. Membership. The Program Committee shall be composed of one (1) member of the governing body of each Municipality, appointed for a one (1) year term by the governing body at the first meeting in January of each calendar year. The initial members of the Program Committee shall be appointed by the governing bodies within ninety (90) days from the execution of this Agreement and shall serve for the balance of the calendar year. Each governing body may, if it so desires, appoint an alternate member to the Program Committee.

B. Meetings. The Program Committee shall meet at times to be selected by the members of the Program Committee.

C. **Voting.** All actions by the Program Committee shall be taken by a majority of the members of the Program Committee. In the event that there is a tie vote upon a particular item, any Municipality may request that the issue be mediated.

4. **Responsibility of Municipalities.** The following activities are the individual responsibility of each Municipality:

A. Drafting and enacting an ordinance that ratifies the Municipality's participation in the Joint Code Enforcement Program and the entering into of this Agreement in accordance with the requirements of the Intergovernmental Cooperation Act.

B. Adopting or amending the Municipality's fee resolution from time to time to provide for identical fees to be imposed for the issuance of building permits and other permits required under the codes being enforced as a part of the Joint Code Enforcement Program.

C. In the event a third-party agency or individual is retained for code enforcement services, verification of the mandatory liability insurance and evidence of certifications must be provided to the Program Committee.

D. Eliminate the position of, or modify the responsibilities of, any existing Municipal employee so as to eliminate conflicts and/or overlaps with the responsibilities of the Code Official(s).

E. Assist and cooperate with Code Official(s) by providing information on properties, address and contacts for property owners, copies of relevant ordinances and on occasion a place to meet with property owners.

F. The Municipality shall not attempt to affect the Code Official in the performance of his work, except through the Program Committee.

5. **Responsibility of Program Committee.** The following activities are the responsibility of the Program Committee:

A. Recruitment, interviewing and hiring of the Code Officer(s) and other staff necessary to operate the Joint Code Enforcement Program.

B. Establishment of the salary and benefit package for the Code Official(s).

C. Evaluation of the performance of the Code Official(s) within the first six (6) months and annually thereafter.

D. Review of ordinances of each Municipality with suggestions for the enactment of new ordinances to be administered by the Joint Code Enforcement Program.

E. Resolution of any problems or concerns between the Municipalities and the Code Enforcement Officials.

F. General administration and operation of the Cambria County Building Codes Enforcement Agency.

G. The program committee shall develop and apply criteria to determine satisfactory levels of service for the Municipalities served.

H. The Program Committee shall be responsible for adoption of Bylaws, Rules, Policies and Directives for the operation of the Cambria County Building Codes Enforcement Agency, limited only by the requirements of State Law and the restrictions and directives set forth in this Agreement.

6. **Construction Code Official.** A Code Official(s) shall be hired or retained in accordance with the terms of this Agreement in order to implement the Joint Code Enforcement Program.

A. Hiring. The Cambria County Building Code Enforcement Agency, acting through its Program Committee, shall advertise for a Code Official(s). Such advertisement shall set forth criteria for a Code Official(s) in accordance with the requirements of the Uniform Construction Code, licensing and certification regulations. The Program Committee shall interview and hire candidates. No candidate shall be selected who does not meet the qualifications set forth in the advertisement for the position.

B. The Code Official(s) shall be hired for a six (6) month probationary period. If the performance of the Code Official(s) is not satisfactory during the probationary period, the Code Official(s) shall be discharged.

C. The Code Official(s) shall allocate their time as required between the Municipalities. The Municipalities recognize that it is impossible to equally divide each day or even each week because permit applications or inspections may be needed more frequently in one Municipality than in the other in any given week. However, it is the intent of this Agreement that the Municipalities shall receive the required allocations of the Services of the Code Official(s).

D. Office hours shall be established by the Code Officer(s) with the consent of the Program Committee.

E. Code Officers shall be provided photographic identification and shall display the same at all times while carrying out their duties in any of the municipalities.

G. The Code Officer(s) shall enforce all provisions of the Uniform Construction Code (Act 45 of 1999), and all other Ordinances and Resolutions and State mandates which have been approved for incorporation into the Joint Code Enforcement Program by the unanimous approval of all participants.

7. **Program Cost Sharing.** Each Municipality shall participate in an equal share of the cost of administration of the Joint Codes Enforcement Program. Each Municipality, upon approving this Agreement and entering the Joint Code Enforcement Program shall contribute the amount of \$700.00. It is intended that fees for service established by the Program Committee and confirmed in the Fee Resolutions of each Municipality shall be sufficient to pay all costs of the administration of the program.

A. **Budget.** The Program Committee shall be responsible for adopting an annual budget and administering operations within the budget. The budget may be amended at any time to reflect changed circumstances.

B. **Grants.** The Cambria Somerset Codes Enforcement Agency shall take every reasonable step to obtain from federal, state and other agencies such grants and aid as may be from time to time available for code enforcement and for intermunicipal cooperation. The Program Committee shall coordinate the application as part of its responsibilities for administration and oversight of the operation.

8. **Duration of Agreement.** The term of this Agreement shall be for a period of two (2) years commencing with the date of execution hereof by the Municipality. This Agreement shall be automatically renewed for an additional term of one (1) year at the conclusion of the initial term and each renewal term thereafter unless, at least ninety (90) days prior to the beginning of the fiscal year, the Municipality gives written notice of such refusal to renew to the Cambria County Building Code Enforcement Agency.

9. **Participation of Other Municipalities.** Any additional municipality, located within Cambria or Clearfield or Somerset or Westmoreland Counties may become a party to this Agreement by right, upon the adoption of this Agreement and continued compliance with the

provisions of this Agreement and the rules, and regulations of the Agency. The Agency, acting through its Program Committee, may prescribe rules for application, and prescribe a reasonable waiting period, which it deems necessary, for the purpose of making preparations to handle increased workload, before beginning service to a newly joining municipality.

10. Withdrawal from Agreement. Any municipality may withdraw from participation at the end of the term of this Agreement or any extension thereof by notifying all other Participating Municipalities in writing of its intention to withdraw at least ninety (90) days before the expiration of such term as provided in Section 8 herein. Notwithstanding the foregoing, any municipality may withdraw from this Agreement for cause by providing all other Participating Municipalities with written notification of the cause for such withdrawal. No withdrawal for cause shall become effective until ninety (90) days after notification of the intent to withdraw for cause is provided to all other Participating Municipalities. During such notification period, the governing body of any other municipality shall have the right to challenge the cause for withdrawal. In the event such a challenge is made, the withdrawing municipality and the challenging municipality shall mediate their differences within thirty (30) days. If, after meeting with a mediator, such differences cannot be resolved, the withdrawing municipality shall be permitted to withdraw on the next anniversary date of this Agreement.

11. Expulsion. A Municipality may be expelled from this Agreement for failure to comply with the terms hereof. Expulsion may be made by a vote of the representatives of three quarters of the municipalities then participating. Expulsion may be made upon complaint made by a majority of the Program Committee in writing to the Municipality. The Municipality shall have a period of sixty (60) days from the date of written Notice to correct the same. At the end of the sixty (60) day correction period, a vote shall be

taken on the matter of the expulsion. The Municipality may participate in all meetings of the Program Committee considering the expulsion. A municipality expelled from the organization may not rejoin for a period of one (1) year from the date of the vote on the expulsion.

12. **Matters on Withdrawal of Expulsion.** Upon the Withdrawal or expulsion of a Municipality from this Agreement, the municipality expelled or withdrawing shall have no right to a refund of its membership fee or to property of the Agency.

13. **Amendment.** This Agreement may be amended only by unanimous consent, evidenced by a written instrument signed by the duly designated representative of each of the Participating Municipalities.

14. **Interpretation.** This Agreement shall be interpreted in accordance with the laws of the Commonwealth of Pennsylvania.

15. **Severability.** The provisions of this Agreement are severable, and if any section, sentence, clause, 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 or impair the remaining sections, sentences, clauses, parts of provisions of this Agreement. It is hereby declared to be the intent of the governing bodies of each Participating Municipality that this Agreement would have been entered into if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

16. **Enactment of Ordinance Under Intergovernmental Cooperation Act.** The governing body of each Municipality agrees to enact an Ordinance within thirty (30) days from the date hereof pursuant to and in accordance with the Pennsylvania Intergovernmental Cooperation Act for the purpose of authorizing and effectuating this Agreement.

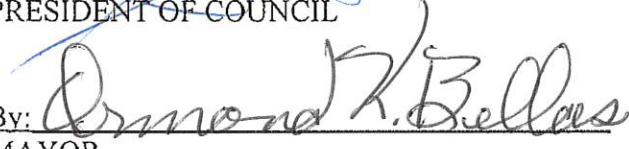
17. Construction. When the sense so requires, words of any gender used in this Agreement shall be held to include any other gender, and words in the singular number shall be held to include the plural, and vice versa.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

Borough of Ligonier, Westmoreland County

By: 

PRESIDENT OF COUNCIL

By: 

MAYOR

ATTEST:



SECRETARY
(Seal)

Exhibit B

List of Municipal Ordinances for Which Enforcement is Delegated

1. Ligonier Borough Zoning Ordinance attached to Chapter 156 in the online version (ecode 360) of the Code of the Borough of Ligonier.
2. Ligonier Borough Property Maintenance Ordinance, Chapter 123 of the Code of the Borough of Ligonier.

