

**JOINT ARTICLES OF AGREEMENT FOR
THE ESTABLISHMENT OF A BLAIR REGION
UNIFORM CONSTRUCTION CODE BOARD OF APPEALS
Original 2004, Revised 2006, Revised 2010, Revised and ReAffirmed 2014**

This AGREEMENT is made this 12th day of June, 2014, by and among:

Antis Township, a 2nd Class Township of the Commonwealth of Pennsylvania, herein called "Antis Township"

Blair Township, a 2nd Class Township of the Commonwealth of Pennsylvania, herein called "Blair Township"

Catharine Township, a 2nd Class Township of the Commonwealth of Pennsylvania, herein called "Catharine Township"

Freedom Township, a 2nd Class Township of the Commonwealth of Pennsylvania, herein called "Freedom Township"

Greenfield Township, a 2nd Class Township of the Commonwealth of Pennsylvania, herein called "Greenfield Township"

Huston Township, a 2nd Class Township of the Commonwealth of Pennsylvania, herein called "Huston Township"

Logan Township, a 2nd Class Township of the Commonwealth of Pennsylvania, herein called "Logan Township"

North Woodbury Township, a 2nd Class Township of the Commonwealth of Pennsylvania, herein called "North Woodbury Township"

Taylor Township, a 2nd Class Township of the Commonwealth of Pennsylvania, herein called "Taylor Township"

Tyrone Township, a 2nd Class Township of the Commonwealth of Pennsylvania, herein called "Tyrone Township"

Woodbury Township, a 2nd Class Township of the Commonwealth of Pennsylvania, herein called "Woodbury Township"

Bellwood Borough, a municipal corporation of the Commonwealth of Pennsylvania, herein called "Bellwood Borough"

Duncansville Borough, a municipal corporation of the Commonwealth of Pennsylvania, herein called "Duncansville Borough"

Hollidaysburg Borough, a municipal corporation of the Commonwealth of Pennsylvania, herein called "Hollidaysburg Borough"

Martinsburg Borough, a municipal corporation of the Commonwealth of Pennsylvania, herein called "Martinsburg Borough"

Roaring Spring Borough, a municipal corporation of the Commonwealth of Pennsylvania, herein called "Roaring Spring Borough"

Tyrone Borough, a municipal corporation of the Commonwealth of Pennsylvania, herein called "Tyrone Borough"

Williamsburg Borough, a municipal corporation of the Commonwealth of Pennsylvania, herein called "Williamsburg Borough"

Situated in the County of Blair, Pennsylvania, hereafter collectively referred to as "Participants" or sometimes individually as "Participant."

WITNESSETH

WHEREAS, pursuant to the codes and standards promulgated in the most current version of the Uniform Construction Code (Act 45 of 1999) of the Commonwealth of Pennsylvania as amended by the participating municipalities, and as subsequently adopted in Title 34 PA Code Chapters 401, 403 and 405, as amended from time to time, (hereinafter referred to as the "Code"), it is necessary that each municipality that enforces the Code establish a Board of Appeals capable of rendering Code interpretations; and

WHEREAS, the Intergovernmental Cooperation Act 953 Pa C. S. Section 2301 et seq., (herein called the "Act") permits municipalities to enter into agreements to cooperate in the exercise or performance of their respective functions, power or responsibilities; and

WHEREAS, it is believed by the Participants that the citizens within their respective political boundaries will be benefited by the creation of a regional Construction Code Board of Appeals; and

WHEREAS, the purpose of this Agreement is to create the Blair Region Uniform Construction Code Board of Appeals (hereinafter referred to as "BRUCCBA") to provide a method for the appeal of decisions rendered through the administration of the rules and regulations of the Code and to provide rules and regulations for the organization, conduct and operation of said Board; and

WHEREAS, oversight of said BRUCCA shall be provided by the Blair Region Code Administration Committee (hereinafter referred to as the "Code Committee") as set forth in this agreement; and

WHEREAS, all Participants are legally authorized to enter into such an Agreement for the joint administration of a regional Board of Appeal for their respective citizens.

NOW THEREFORE, in consideration of the mutual promises contained herein, and intending to be legally bound hereby, the Participants agree as follows:

PROVISIONS OF THIS AGREEMENT

The provisions herein are intended to implement rules and regulations for the organization, conduct, and operation of a regional appeals board for the Blair Region. Unless specifically referenced and excepted, the provisions of this agreement shall be governed and interpreted by the participants.

Based on the foregoing and within the agreement provisions of the Intergovernmental Cooperation Law (53 PA C.S. §§2301-2315) as amended, the municipalities agree and intend to be legally bound to the following:

SECTION 1. ESTABLISHMENT OF OVERSIGHT COMMITTEE

- 1.1 The Participants do hereby create and establish the “Blair Region Code Administration Committee (hereinafter referred to as the “Code Committee”, which shall direct and appoint members to the Blair Region Uniform Construction Code Board of Appeals pursuant to this Agreement, and all amendments hereto.
- 1.2 Representation. The Committee shall consist of one representative of each Participant, all of whom shall serve without compensation as follows: Each Participant shall appoint one (1) person to the Committee, or may be an elected member of their respective governing board. Participants shall provide the Committee Chairman with the name and contact information of appointee when a change in appointment is made. Such members may be reappointed as members of the Committee. Such members may be removed from office at any time by the Committee for cause or at any time by members of the Participant’s governmental body at that body’s discretion.
- 1.3 Voting. Each member of the Committee shall have one (1) vote.
- 1.4 Vacancy. Any vacancy of the Committee (whether by reason of death, disqualification, resignation or removal of a member thereof) shall be filled by the Participant who appointed the vacating member. Any vacancy in a term of office held by a Committee member shall be filled for the unexpired term of office. The Participant must fill any vacancy on the Committee within sixty (60) days.
- 1.5 Attendance. The Committee may request that a Participant remove such Participant’s member for his or her lack of attendance at meetings.
- 1.6 Member Duties. Each member of the Committee shall serve as liaison for his or her respective local government. Members are responsible for keeping their governing bodies informed of the activities of the Committee and the BRUCCBA.

- 1.7 Conduct of Business. The Committee shall establish its own form of organization and appropriate rules and regulations for the conduct of its business.
- 1.8 Meetings. The Committee shall meet annually on the first Thursday of February. The Chairperson of the Committee may, when he or she deems it necessary to desirable and may upon the request of a member of the Council, call a special meeting of the Committee for he purpose of transacting any business designated in the call of the meeting.

SECTION 2. ESTABLISHMENT OF APPEALS BOARD

- 2.1 The Participants do hereby create and establish the “Blair Region Uniform Construction Code Board of Appeals,” hereinafter referred to as the “BRUCCBA.”
- 2.2 The Participants shall designate by ordinance the BRUCCBA as the body to hear appeals brought under the codes and standards promulgated in the most current version of the Uniform Construction Code (Act 45 of 1999) of the Commonwealth of Pennsylvania as amended by the participants, and as subsequently adopted in Title 34 PA Code Chapters 401, 403 and 405, as amended from time to time.

SECTION 3. PURPOSE

- 3.1 The BRUCCBA is established to provide a process for the resolution of code grievances derived from the decision of the code official in order to insure the health, safety, and general welfare for the citizens of the Blair Region.

SECTION 4. ORGANIZATION

- 4.1 Any resident of the Blair Region having the qualifications according to the provisions of this Agreement, shall be eligible for appointment to the BRUCCBA regardless of whether the resident’s home municipality is a participant in this agreement. The intent of the BRUCCBA is to provide uniform interpretation of the codes and to recruit persons who are well qualified professionally regardless of residence. Therefore, it is not expected that representation will necessarily reflect any sort of balance among the participants.

A non-Blair Region resident may fill a position on the BRUCCBA when the Participants cannot find a person within the participating municipalities who satisfies the requirements of Title 34 Chapter 403.121, C.1.

- 4.2 The Code Committee shall consider and make appointments to the BRUCCBA. Appointments shall be made based on a majority vote of the Committee.
- 4.3 Members of the governing bodies of the Participants and their code officials may not serve on the BRUCCBA.
- 4.4 The core of the BRUCCBA shall be composed of five members and two alternates selected according to the provisions of this Agreement. Each member shall be qualified by training and experience as defined under section 501(c) of the act (35P.S. § 7210.501(c)):
- a. A registered design professional who is a registered architect; or a builder or superintendent of building construction with at least ten year's experience, five of which shall have been in a responsible charge of work.
 - b. A registered design professional with structural engineering or architectural experience.
 - c. A registered design professional with mechanical or plumbing engineering experience; or a mechanical or plumbing contractor with at least ten years' experience, five of which shall have been in responsible charge of work.
 - d. Registered design professional with electrical engineering experience; or an electrical contractor with at least ten years' experience, five of which shall have been in responsible charge of work.
 - e. Registered design professional with fire protection engineering experience; or a fire protection contractor with at least ten years' experience, five of which shall have been in a responsible charge of work.
- 4.5 A member of the BRUCCBA holds office at the pleasure of the Code Committee.
- 4.6 An alternate to the core board shall serve in the absence of or in the event of a conflict of interest to a core board member.
- 4.7 Alternate members shall possess the qualifications required for board membership, and shall be appointed for five years or until a successor has been appointed.
- 4.8 The five-member core shall serve for all code appeals except in cases in which the member has any personal, professional or financial interest.
- 4.9 Members of the BRUCCBA shall serve without compensation and for the period as follows:
- a. One for five years, one for four years, one for three years, one for two years and one for one year. Thereafter the term of each member shall

automatically renew for five year terms. Any member wishing to terminate their service to the BRUCCBA shall provide the Committee with sufficient notice such that a replacement member may be found.

- b. A year shall commence on July 8 and end the succeeding year on July 7.
- 4.10 The BRUCCBA shall elect a Chairman, Vice Chairman and Secretary from the core at the July organizational meeting. The BRUCCBA, at the organizational meeting, shall establish meeting dates, times, locations for the year. The Chairman or Vice Chairman shall have the authority to call the BRUCCBA into a special session.
- 4.11 The BRUCCBA shall only consider the following factors when deciding an appeal under Section 501(c)(2) of the act:
 - a. The true intent of the act or Uniform Construction Code was incorrectly interpreted.
 - b. The provisions of the act do not fully apply.
 - c. An equivalent form of construction is to be used.
- 4.12 The BRUCCBA may consider the following factors when ruling upon a request for extension of time or the request for variance:
 - a. The reasonableness of the Uniform Construction Code's application in a particular case.
 - b. 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.
 - c. The availability of professional or technical personnel needed to come into compliance.
 - d. The availability of materials and equipment needed to come into compliance.
 - e. The efforts being made to come into compliance as quickly as possible.
 - f. Compensatory features that will provide an equivalent degree of protection to the Uniform Construction Code.
- 4.13 If the owner or owner's agent requests a hearing, the BRUCCBA shall schedule a hearing and notify the owner or owner's agent and building code official of the date, time and place of the hearing.

The BRUCCBA may:

- a. Deny the request in whole or in part.
- b. Grant the request in whole or in part.
- c. Grant the request upon certain conditions being satisfied.

SECTION 5. APPEAL PROCEDURE

- 5.1 An owner or owner's agent shall file an appeal, request for variance and request for an extension of time relating to accessibility with the Accessibility Advisory Board under § 403.142 (relating to Accessibility Advisory Board).
- 5.2 All appeals shall be legally advertised and conducted according to the Pennsylvania State "Sunshine Act" (65 PA C.S. 701-716), as amended. The BRUCCBA shall adopt formal rules for its proceedings.
- 5.3 The appellant wishing to appeal the decision of the Code Official shall do so in writing within sixty (60) calendar days upon receipt of the written decision.
- 5.4 The postmark date or the date of personal service will establish the filing date of the appeal.
- 5.5 The BRUCCBA shall hold a hearing within sixty (60) calendar days from the date of an applicant's request unless the applicant agreed in writing to an extension of time.
- 5.6 The BRUCCBA may request and obtain legal counsel through the municipality from which the appeal originates.
- 5.7 The BRUCCBA shall provide a written notice of its decision to the appellant and to the building code official.
- 5.8 Any owner or owner's agent may challenge the application or enforcement of any provision of the ordinance (adopted pursuant to Section 503) and shall have the right to challenge the validity of the ordinance in the Blair County Court of Common Pleas.

SECTION 6. WITHDRAWAL PROCEDURES

- 6.1 Participants shall have the right to withdraw from the BRUCCBA for any reason.
- 6.2 Participants electing to withdraw from the BRUCCBA shall notify the Code Committee in writing.
- 6.3 It shall be the responsibility of the withdrawing municipality to notify residents of the decision to withdraw from the BRUCCBA.

SECTION 7. AMENDMENT PROCEDURES

- 7.1 Amendments to these Joint Articles of Agreement may be recommended by the Code Committee and by the Participants. Any amendment or

change to these articles shall be approved by a 2/3 vote of the Participants and shall take effect upon passage of appropriate municipal ordinances.

- 7.2 Any municipality wishing to join the BRUCCBA after the ratification of these articles shall submit a written request to the Code Committee. The Committee will make a recommendation on the request to the participants. If the Participants approve the request (a 2/3 vote is needed), the amendment procedure described in sub-section 7.1 shall be followed.

SECTION 8. EFFECTIVE DATE

- 8.1 The effective date of this agreement shall be upon enactment by Ordinance by the participants.

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Original 2004, Revised 2006, Revised 2010, Revised and Re-Affirmed 2014**

Approved by:

TOWNSHIP OF CATHARINE

Date: 2-9-2015

Attest: Eleanor K. Harscode
Secretary

By: Ralph J. Respoli
Chair, Board of Supervisors