

MUNICIPALITY OF MONROEVILLE  
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE 2576

AN ORDINANCE OF THE MUNICIPALITY OF MONROEVILLE ENTERING INTO AN AGREEMENT WITH OTHER MEMBER MUNICIPALITIES OF THE TURTLE CREEK VALLEY COUNCIL OF GOVERNMENTS FOR THE ESTABLISHMENT OF A JOINT UNIFORM CONSTRUCTION CODE BOARD OF APPEALS AS REQUIRED BY THE UNIFORM CONSTRUCTION CODE AND HEREBY DISSOLVING THE MUNICIPALITY OF MONROEVILLE UNIFORM CONSTRUCTION CODE BOARD OF APPEALS

WHEREAS, the Municipality of Monroeville has received a request from the Turtle Creek Valley Council of Governments to participate in a joint Uniform Construction Code (UCC) Construction Appeals Board; and

WHEREAS, the Municipal Council feels that it would be advantageous to participate in a joint UCC Board of Appeals; and

WHEREAS, the Municipality wishes to dissolve the Monroeville Uniform Construction Code Board of Appeals.

NOW THEREFORE, be it ordained and enacted by the Council of the Municipality of Monroeville that:

1. The Municipality of Monroeville shall enter into an intergovernmental cooperative agreement with the Turtle Creek Valley Council of Governments and its member municipalities to participate in a joint UCC Construction Appeals Board.
2. The Municipality of Monroeville shall dissolve the Monroeville Uniform Construction Code Appeals Board upon the formation of the joint Turtle Creek Valley Council of Governments Uniform Construction Code Construction Appeals Board.
3. The Municipality of Monroeville shall pay its pro-rated share of costs for the establishment and operation of the joint Turtle Creek Valley Council of Governments Uniform Construction Code Appeals Board with the understanding that a large share of the operating expenses shall be borne by the individual applicants to the Appeals Board.

BE IT ORDAINED AND ENACTED this 12<sup>th</sup> day of February, 2013.

ATTEST:

  
Lyhette C. McKinney  
Interim Municipal Manager

MUNICIPALITY OF MONROEVILLE

  
Gregory Erosenko  
Mayor

ENTERED INTO LEGAL BOOK: February 22, 2013

**INTERGOVERNMENTAL COOPERATION AGREEMENT**  
**Establishing a Municipal Appeals Board**

**BY AND BETWEEN**

The Township of Monroeville (hereinafter "the member municipalities"), and the Turtle Creek Valley Council of Governments (hereinafter "the TCVCOG"), each has agreed to participate fully in the TCVCOG Uniform Construction Code (UCC) Appeals Board through an Intergovernmental Cooperation Agreement (hereinafter "ICA").

**WITNESSETH:**

**WHEREAS**, the member municipalities and the TCVCOG each has agreed to participate fully in the TCVCOG UCC Appeals Board through an ICA.

**NOW THEREFORE**, in consideration of the foregoing and of the mutual promises herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the member municipalities hereto, intending to be legally bound, hereby agree as follows:

1. **Conditions of the Intergovernmental Cooperation Agreement.** The conditions of the ICA are those conditions set forth herein.

2. **Amendment of Intergovernmental Cooperation Agreement.** This ICA may be amended by the member municipalities hereto at anytime hereafter by the execution of an addendum in writing signed by each member municipality. Any waiver by any member municipality of any provision hereof shall be valid only if set forth in an instrument in writing signed on behalf of such member municipality.

3. **Duration of the Intergovernmental Cooperation Agreement.** The within ICA shall be effective for two years commencing \_\_\_\_\_, and shall remain in effect on a year-to-year basis thereafter, until amended or terminated by a member municipality. Any member municipality may elect at anytime to discontinue participation in the within ICA by adopting an Ordinance and by providing the TCVCOG Board of Directors one-hundred and eighty days (180) days written notice of such election to discontinue.

4. **Purpose and Objectives of the Intergovernmental Cooperation Agreement.**

The purpose and objectives of the within ICA are to establish a UCC Appeals Board for the purposes and powers as stated in the Pennsylvania Construction Code Act, 35 P.S. § 7210.501, as amended, as well as the Rules and Regulations of the Department of Labor and Industry, Part XIV, Uniform Construction Code, Title 34, Chapter 403, Administration, Board of Appeals, or any successor legislation or Rules and Regulations.

5. **Powers and Scope of Authority Delegated.**

The TCVCOG UCC Appeals Board herein established by the TCVCOG and each member municipality shall hear and rule on appeals, requests for variances and requests for extensions of time under the Uniform Construction Code which appeals shall be based on a claim that the true intent of the Pennsylvania Construction Code Act (35 P.S. §§ 7210.101 - 7210.1103), (hereinafter “the Act”), or the Uniform Construction Code has been incorrectly interpreted, the provisions of the Act or Uniform Construction Code do not fully apply or an equivalent form of construction is to be used. The TCVCOG UCC Appeals Board to be created herein may not act upon appeals, requests for variance or requests for extension of time relating to accessibility under the Act. Requests for variances, extensions of time and appeals relating to accessibility shall be filed by an owner with the Accessibility Advisory Board under 34 Pa.Code § 403.142. Furthermore, the Municipal Appeals Board shall not act upon any appeal filed with respect to Article XV of the Allegheny County Health Department Rules and Regulations which incorporates the International Plumbing Code and Chapters 25 through 32 of the International Residential Code and all such appeals shall be conducted by the Allegheny County Health Department in accordance with Article XI of the Allegheny County Health Department Rules and Regulations.

6. **Manner and Extent of Financing.**

The manner and extent of financing this ICA shall be the financing as set forth in the ByLaws of the TCVCOG UCC Appeals Board approved by the member municipalities.

7. **Organization Structure Necessary to Implement the Agreement.**

The organizational structure necessary to implement the within ICA shall be the organizational structure as set forth in the ByLaws of the TCVCOG UCC Appeals Board approved by the member municipalities.

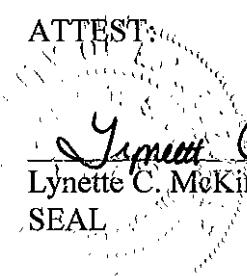
8. **Manner of Acquisition and Management of Real Estate and Personal Property.**

The member municipalities do not presently contemplate that real or personal property will be acquired, managed, licensed or disposed of. If in the future it becomes necessary or advisable for the member municipalities to acquire, manage, license or dispose of real or personal property, it shall be as agreed upon by the member municipalities.

9. **Group Insurance and Insurance Benefits Including Social Security.** Since the member municipalities do not presently contemplate having any employees, the entity hereby created shall not be empowered to enter into contracts for policies of group insurance and employee benefits including Social Security. If in the future it becomes necessary or advisable for the member municipalities to have employees, insurance and benefits for employees shall be as agreed upon by the member municipalities.

**IN WITNESS WHEREOF**, the TCVCOG and the member municipalities have caused this agreement to be executed by their duly authorized respective appropriate officers this 12<sup>th</sup> day of February, 2013.

ATTEST:

  
*Lynette C. McKinney*  
Lynette C. McKinney, Interim Manager  
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TOWNSHIP OF MONROEVILLE

BY:   
Gregory Brosenko, Mayor

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TURTLE CREEK VALLEY COUNCIL  
OF GOVERNMENTS

BY: \_\_\_\_\_