

BOROUGH OF AVALON
ORDINANCE NO. 1289

AN ORDINANCE OF THE BOROUGH OF AVALON, COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA, ENACTED PURSUANT TO THE INTERGOVERNMENTAL COOPERATION ACT 53 PA.C.S. § 2301, ET SEQ., AUTHORIZING THE BOROUGH TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT BY AND BETWEEN ANY OR ALL OF THE MUNICIPALITIES OF THE TOWNSHIP OF ALEPPO, THE BOROUGH OF AVALON, THE BOROUGH OF BELL ACRES, AND THE BOROUGH OF BELLEVUE, THE BOROUGH OF BEN AVON, THE BOROUGH OF EMSWORTH, THE BOROUGH OF HAYSVILLE, THE TOWNSHIP OF KILBUCK, THE TOWNSHIP OF LEET, THE BOROUGH OF LEETSDALE, THE BOROUGH OF OSBORNE, THE BOROUGH OF SEWICKLEY AND THE QUAKER VALLEY COUNCIL OF GOVERNMENTS, REGARDING THE ESTABLISHMENT OF THE QUAKER VALLEY COUNCIL OF GOVERNMENTS MUNICIPAL APPEALS BOARD; AND REPEALING ALL INCONSISTENT ORDINANCES.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by Borough Council of the Avalon, County of Allegheny, Pennsylvania.

SECTION 1. AUTHORIZATION TO ENTER INTO INTERGOVERNMENTAL COOPERATION AGREEMENT. Pursuant to the Intergovernmental Cooperation Act, 53 Pa.C.S. § 2301, et seq., the Borough of Avalon is hereby authorized to enter into a joint Intergovernmental Cooperation Agreement with any or all of the municipalities of the Township of Aleppo, the Borough of Avalon, the Borough of Bell Acres, the Borough of Bellevue, the Borough of Ben Avon, the Borough of Emsworth, the Borough of Haysville, the Township of Kilbuck, the Township of Leet, the Borough of Leetsdale, the Borough of Osborne, the Borough of Sewickley, (hereinafter "the member municipalities"), and the Quaker Valley Council of Governments (hereinafter "the QVCOG"), to establish the Quaker Valley Municipal Appeals Board.

SECTION 2. AUTHORIZATION TO EXECUTE INTERGOVERNMENTAL COOPERATION AGREEMENT. The proper officers of the Avalon are hereby Authorized to take any and all steps necessary to execute an Intergovernmental Cooperation Agreement by and between the member municipalities, to effectuate the authorization granted by this Ordinance.

SECTION 3. CONDITIONS OF INTERGOVERNMENTAL AGREEMENT. The conditions of the Intergovernmental Cooperation Agreement are those conditions set forth Therein, a copy of which is attached hereto and made a part hereof as Exhibit "1."

SECTION 4. DURATION AND TERM. The Intergovernmental Cooperation Agreement shall be effective for two years commencing August 1, 2004, and will remain in effect on a year-to-year basis thereafter, until renewed, amended or terminated as set forth in the Intergovernmental Cooperation, Agreement by and between the members municipalities.

SECTION 5. PURPOSE AND OBJECTIVES. The purpose and objectives of the Intergovernmental Cooperation Agreement are those purposes and objectives set forth therein.

SECTION 6. POWERS AND SCOPE OF AUTHORITY DELEGATED. The QVCOG is hereby authorized to manage Municipal Appeals Board as set forth in the Intergovernmental Cooperation Agreement and the Bylaws of the Appeals Board.

SECTION 7. MANNER AND EXTENT OF FINANCING. The manner and extent of financing of the Municipal Appeals Board shall be as agreed upon by the member municipalities and as set forth in the Bylaws of the Municipal Appeals Board.

SECTION 8. ORGANIZATIONAL STRUCTURE. The organizational structure of the Association authorized by this Ordinance shall be the organizational structure set forth in the Agreement between the member municipalities.

SECTION 9. ACQUISITION, MANAGEMENT AND DISPOSAL OF PROPERTY. The acquisition, management and disposal of property is set forth in the Bylaws of the Municipal Appeals Board.

SECTION 10. POWER TO ENTER INTO CONTRACTS. The QVCOG Municipal Appeals Board is not authorized to enter into contracts.

SECTION 11. SEVERABILITY. If a final decision of a court of competent jurisdiction holds any provision of this Ordinance, or the application of any provisions of any circumstances of this Ordinance to be illegal or unconstitutional, the other provisions of this Ordinance or the application of such provision to other circumstances, shall remain in full force and effect. The intention of the Council of the Borough of Avalon is that the provisions of this Ordinance shall be severable and that this Ordinance would have been adopted if any such illegal or unconstitutional provisions had not been included.

SECTIONAL 12. AUTHORITY. This Ordinance is adopted pursuant to the powers and authority of the Intergovernmental Cooperation Act, 53 Pa.C.S. § 2305.

SECTION 13. CONFLICT WITH OTHER ORDINANCES. Any Ordinances or Parts of Ordinances, conflicting with the provisions of this Ordinance be and the same are hereby repealed so far as the same affects this Ordinance; however, such repeal shall not affect any act done or any right, liability or violations accrued under any such Ordinance herein repealed or superseded and all such rights, liabilities and violations shall continue and may be enforced in the same manner as if such repeal or supersession had not been made but only to the

extent otherwise permitted under the laws of the Commonwealth of Pennsylvania

SECTION 14. AFFIRMATION OF OTHER INTERGOVERNMENTAL COOPERATION AGREEMENT. All provisions of all other Intergovernmental Cooperation Agreements between the member municipalities, not conflicting with the provisions hereof are ratified and affirmed.

SECTION 15. EFFECTIVE DATE. The provisions of this Ordinance shall be effective immediately and shall remain effective until repealed.

ORDAINED AND ENACTED INTO LAW this 18th day of JANUARY 2005.

ATTEST:

BOROUGH OF AVALON

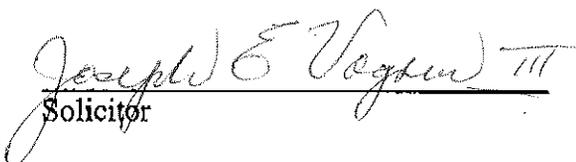


Manager/Secretary



President

Approved as to form:



Solicitor

Examined and approved by me

this 18th day of January 2005.



Mayor

INTERGOVERNMENTAL COOPERATION AGREEMENT
Establishing a Municipal Appeals Board

BY AND BETWEEN

The Township of Aleppo, the Borough of Avalon, the Borough of Bell Acres, the Borough of Bellevue, the Borough of Ben Avon, the Borough of Emsworth, the Borough of Haysville, the Township of Kilbuck, the Township of Leet, the Borough of Leetsdale, the Borough of Osborne and the Borough of Sewickley, (hereinafter "the member municipalities"), and the Quaker Valley Council of Governments (hereinafter "the QVCOG"), each has agreed to participate fully in the QVCOG Municipal Appeals Board through an Intergovernmental Cooperation Agreement (hereinafter "ICA").

WITNESSETH:

WHEREAS, the member municipalities and the QVCOG each has agreed to participate fully in the QVCOG Municipal 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 August 1, 2004, 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 QVCOG 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 Municipal 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 QVCOG Municipal Appeals Board herein established by the QVCOG 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 QVCOG Municipal 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 QVCOG Municipal Appeals Board approved by the member municipalities.

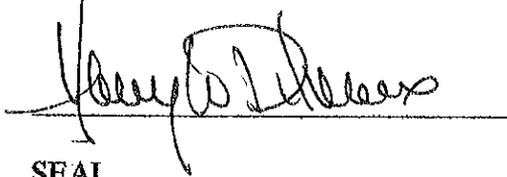
7. **Organization Structure Necessary to Implement the Agreement.** The organizational structure necessary to implement the within ICA shall be the organizational structure as set forth in the ByLaws of the QVCOG Municipal Appeals Board approved by the member municipalities.

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 QVCOG and Borough of Avalon have caused this agreement to be executed by their duly authorized respective appropriate officers.

ATTEST:


SEAL

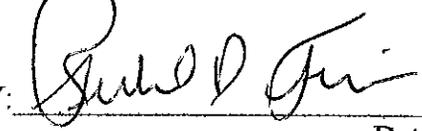
BOROUGH OF AVALON

BY: 
Date

ATTEST:


SEAL

QUAKER VALLEY COUNCIL
OF GOVERNMENTS

BY: 
Date