

**BOROUGH OF LEESPORT, BERKS COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2024-264 - #1**

**A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF LEESPORT, BERKS COUNTY, PENNSYLVANIA AUTHORIZING THE BOROUGH TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT TO ESTABLISH AND CONTINUE THE BERKS COUNTY UNIFORM CONSTRUCTION CODE BOARD OF APPEALS IN COOPERATION WITH THE COUNTY OF BERKS AND OTHER PARTICIPATING MUNICIPALITIES WITHIN THE COUNTY**

**BACKGROUND**

WHEREAS, the Borough of Leesport has enacted an Ordinance adopting and opting in to enforcement of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. § 7210.101 (the "Act"); and

WHEREAS, other townships and boroughs in Berks County, Pennsylvania also enacted ordinances adopting the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. § 7210.101, et seq. (the "Act"); and

WHEREAS, Section 301 of the Act directed the Pennsylvania Department of Labor and Industry to promulgate regulations with respect to the administration and enforcement of the Act, which regulations were codified at Title 34 Pa. Code, Chapters 401, 403 and 405 ("Regulations"); and

WHEREAS, Section 403.121(d) of the Regulations, 34 Pa. Code § 403.121(d), as authorized by Section 501(c) of the Act, 35 P.S. § 7210.501(c), provides that two or more municipalities may establish a joint board of appeals through an intergovernmental agreement adopted under the authority of the Pennsylvania Intergovernmental Cooperation Act, 53 Pa.C.S. §§ 2301, et seq.; and

WHEREAS, under Section 2303 of the Pennsylvania Intergovernmental Cooperation Act, 53 Pa.C.S. § 2303, two or more local governments may enter into an intergovernmental cooperation agreement, as deemed appropriate, in the exercise or performance of their respective governmental functions, power or responsibilities; and

WHEREAS, Section 2305 of the Pennsylvania Intergovernmental Cooperation Act, 53 Pa.C.S. § 2305, a municipality may enter into an Intergovernmental Cooperation Agreement upon adoption of a resolution; and

WHEREAS, the Borough of Leesport desires to enter into an intergovernmental agreement ("Agreement") with other participating municipalities to establish and continue the Berks County UCC Board of Appeals in cooperation with the County of Berks, to hear and rule on appeals, requests for variances and requests for extension of time as may be filed within each such municipality under the Borough's UCC ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Leesport, as follows:

Section 1. The Title and Background of this Resolution set forth above are incorporated herein by reference.

Section 2. The Borough Council of the Borough of Leesport hereby approves entering into the Agreement, a copy of which is attached hereto as Exhibit A and incorporated herein by reference (and which shall be filed with the minutes of the meeting at which this Resolution was adopted), with the intent and effect that the Borough of Leesport shall be bound by the Agreement.

Section 3. The President of the Borough Council for the Borough of Leesport is hereby authorized and directed on behalf of the Borough: (i) to execute and deliver the Agreement; and (ii) to execute and deliver such additional instruments, and to take such further actions, as may be necessary or appropriate to carry forth the Agreement and the transactions to be effected under the Agreement, including payment of the participation fee as may be due by the Borough to the County of Berks to administer the Agreement on behalf of the UCC Board of Appeals.

Section 4. All actions of any officer, agent or other representative of the Borough heretofore taken in the pursuit of the establishment and continuation of the UCC Board of Appeals and/or the Borough's participation therein are hereby ratified and approved in all respects.

Section 5. The Borough Council hereby authorizes the Borough Manager and Secretary to take such other action as may be necessary or appropriate to carry out the purposes of this Resolution and of the Agreement.

Section 6. As required by the Pennsylvania Intergovernmental Cooperation Act, the following matters are specifically found and determined:

- (a) The conditions of the Agreement are set forth in the Agreement.
- (b) The Borough shall utilize the UCC Board of Appeals for all appeals filed from application of the Borough for the term as set forth in the Agreement.
- (c) The purpose and objectives of the Agreement are as set forth in the Background of this Resolution and in the Agreement.
- (d) The manner and extent of financing the Agreement are that: (i) no borrowing will be required by the Borough; (ii) funds to implement the Borough's obligations under the Agreement shall come from the payment of the participation fee by the Borough and other participating municipalities and from the payment of filing fees by applicants for appeal; and (iii) other provisions governing the

manner and extent of the financing of the UCC Board of Appeals shall be as set forth in the Agreement;

(e) The UCC Board of Appeals shall be managed by its members pursuant to the terms of the Agreement.

(f) All property, real or personal, of the UCC Board of Appeals shall be acquired, managed, licensed or disposed of by the UCC Board of Appeals in accordance with the terms of the Agreement.

(g) The UCC Board of Appeals will not be entering into any contracts.

FURTHER RESOLVED, that nothing contained in this Resolution shall be construed to affect any suit or proceeding in any court, or any rights acquired or liability incurred, or any cause of action existing prior to the enactment of this Resolution.

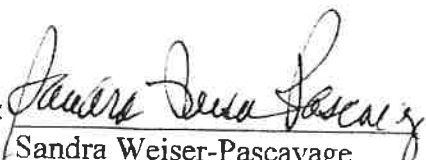
FURTHER RESOLVED, this Resolution shall become effective as provided by applicable law.

FURTHER RESOLVED, that if any provision, sentence, clause, section, or part of this Resolution shall for any reason be found to be unconstitutional, illegal or invalid, such determination shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution, and it is hereby declared to be the intent of the Borough Council of the Borough of Leesport that this Resolution would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not been included herein.

FURTHER RESOLVED, that all Resolutions or parts of Resolutions inconsistent with this Resolution are hereby superseded.

IN WITNESS WHEREOF, the Borough Council of the Borough of Leesport has adopted this Resolution in lawful session this 17<sup>th</sup> day of January 2024

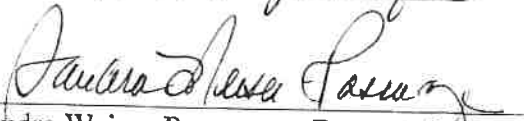
BOROUGH COUNCIL,  
BOROUGH OF LEESPORT,  
BERKS COUNTY, PENNSYLVANIA

Attest:   
Sandra Weiser-Pascavage  
Borough Secretary

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President of Borough Council

CERTIFICATE

I hereby certify that the foregoing is a true and accurate copy of a Resolution of the Borough Council of LEESPORT, Berks County, Pennsylvania, which was fully adopted at a public meeting held pursuant to notice as required by law on the 17<sup>th</sup> day of January, 2024

  
Sandra Weiser-Pascavage, Borough Secretary

Dated: January 17, 2024

EXHIBIT A  
Intergovernmental Cooperation Agreement