

Chapter 10

INTERGOVERNMENTAL COOPERATION

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[HISTORY: Adopted by the Borough Council of the Borough of Pennsburg as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

North Penn Area Tactical Response Team — See Ch. 14, Art. II.

ARTICLE I

Pennsylvania Intergovernmental Risk Management Association [Adopted 10-6-2003 by Ord. No. 9-03]

§ 10-1. Membership; contract.

The Borough of Pennsburg shall join with other municipalities in accordance with the Pennsylvania Intergovernmental Cooperation Act by becoming a member of the Association² and entering into the intergovernmental contract which was adopted by reference with the same effect as if it had been set forth verbatim in this section, and a copy of which shall be filed with the minutes of this meeting at which the article was adopted.

1. Editor's Note: See 53 Pa.C.S.A. § 2301 et seq.

2. Editor's Note: The "Association" refers to the Pennsylvania Intergovernmental Risk Management Association, as indicated in the long title of Ord. No. 9-03.

§ 10-2. Authorization.

Pennsburg Borough is authorized to enter into the intergovernmental contract for the purposes contained therein, as well as any amendments or modifications thereto as the same may be required from time to time. These actions are to be taken by the officers of the Borough of Pennsburg designated for this purpose pursuant to general or specific instruction by the Borough Council who are adopting this article.

§ 10-3. Custody of funds.

The Association is designated as having official custody of the municipality's funds which are invested by the Association pursuant to the terms of the intergovernmental contract.

§ 10-4. Findings and determinations.

As required by the Intergovernmental Cooperation Act,³ the following matters are specifically found and determined:

- A. The conditions of this agreement are set forth in the intergovernmental contract referred to in § 10-1.
- B. Pennsburg's participation in the Association shall be terminable at any time by ordinance.
- C. The purposes and objectives of the agreement are set forth hereinabove, and the intergovernmental contract and actions contemplated thereby and purposes and objectives contained therein are otherwise legal as part of a pooled arrangement with other governmental units, thereby achieving economic and other advantages of intergovernmental cooperation.
- D. It is not necessary to finance the agreement authorized herein from municipal funds except through the contribution of this municipality's basis rate (as such term is defined in the intergovernmental contract) to the Association.
- E. The Association shall be managed by a Board of Commissioners or Executive Committee as set forth in the bylaws of said Association, a copy of which has been provided for review in connection with the adoption of this article.⁴
- F. All property, real or personal, shall be acquired, managed, or disposed of by the Association in accordance with the terms of the intergovernmental contract.

3. Editor's Note: See 53 Pa.C.S.A. § 2301 et seq.

4. Editor's Note: Said bylaws are on file in the Borough offices.

ARTICLE II

**Intergovernmental Cooperative Implementation Agreement for Regional Planning
[Adopted 11-3-2003 by Ord. No. 11-03]****§ 10-5. Public hearing on proposed amendments.**

Pennsburg Borough, on November 3, 2003, held a public hearing on the proposed amendments to the Intergovernmental Cooperative Implementation Agreement for Regional Planning pursuant to Article XI, Section 1102 of the Pennsylvania Municipalities Planning Code and the Intergovernmental Cooperative Act, 53 Pa.C.S.A.⁵

§ 10-6. Adoption of agreement.

Borough Council of the Borough of Pennsburg hereby adopts the Intergovernmental Cooperative Implementation Agreement, as amended, a copy of which is attached hereto, incorporated herein and marked as Exhibit A.⁶

ARTICLE III

**Upper Montgomery Board of Appeals
[Adopted 7-5-2005 by Ord. No. 6-05]****§ 10-7. Background/legislative intent.**

- A. Pennsburg Borough has previously enacted an ordinance⁷ to administer and enforce the provisions of the Pennsylvania Construction Code, Act 45 of 1999, as amended from time to time, and its regulations.
- B. By and through Ordinance No. 3-04, adopted June 7, 2004, Pennsburg Borough permitted the establishment of a Board of Appeals by resolution in conformance with the requirements of Act 45 of 1999, which contemplated the possibility of a creation of a Board of Appeals by joint action with other participating municipalities.
- C. Pennsburg Borough now wishes to participate in an intergovernmental cooperation agreement with the municipalities of Upper Hanover, East Greenville, Red Hill, Marlborough, and Green Lane to form a regional board of appeals to be known as the Upper Montgomery Board of Appeals.

§ 10-8. Authorization of intergovernmental cooperation agreement establishing a regional board of appeals.

The President and the Secretary of Pennsburg Borough Council are authorized to enter into an Inter-Governmental Cooperation Agreement establishing a Regional Board of Appeals to be

5. Editor's Note: See 53 P.S. § 11102 and 53 Pa.C.S.A. § 2301 et seq., respectively.

6. Editor's Note: Exhibit A is on file in the Borough offices.

7. Editor's Note: See Ch. 36A, Construction Codes, Uniform.

known as the Upper Montgomery Board of Appeals. A copy of said Agreement is attached hereto, incorporated herein and marked as Exhibit A.⁸

§ 10-9. Intergovernmental cooperation agreement requirements.

The intergovernmental cooperation agreement providing for the Upper Montgomery Regional Board of Appeals shall contain the following:

- A. The establishment of a five-member Board, including provisions for qualification of members, the terms for said members, both initial and subsequent;
- B. Provisions setting forth the functions of the Board, its basis for jurisdiction and ability to rule on appeals as set forth in the Uniform Construction Code; the ability to rule on a request for an extension of time or variance;
- C. The agreement shall include provisions for the content of an application or appeal to the Board, the filing fees for such application, the process for written decisions of the Board and hearings of the Board; process by which decisions can be made and the written form required;
- D. The organization of the Board, its selection of officers, including Chairman and Secretary; the obligation to keep minutes and publish notices of Board meetings, including the amount of compensation for services of Board members;
- E. A provision permitting the municipalities to terminate or end their individual participation in the regional appeals board; and
- F. The final form of any agreement or amendments thereto shall be approved by Pennsburg Borough Council.

§ 10-10. Fees for property in Pennsburg Borough.

The Borough of Pennsburg does hereby establish \$500 as a fee imposed upon those persons who present a petition or appeal to the Upper Montgomery Board of Appeals should the subject property be located within Pennsburg Borough. This fee shall be used to defray the costs of public notice of any Board meetings held to hear or consider the matter raised in appellant's petition, to compensate the members of the Board and to cover any and all other costs associated with the proceeding. Within 30 days of the date of the written decision, the Borough Secretary shall forward to the appellant an itemized statement listing all draws upon the fee paid at the outset of the appeal. The statement shall be accompanied by a Borough check in the sum of the unused portion of appellant's fee, if any. The amount of this fee may be amended from time to time by Pennsburg Borough Council by and through a resolution altering such fee.

8. Editor's Note: Exhibit A is on file in the Borough offices.

§ 10-11. Effective date.

This article shall become effective immediately upon enactment, although the agreement which is the subject matter of the article shall not become effective until executed by at least one other municipality in order to effectuate the purpose of the regional board of appeals.