

Upon motion by Brian P. McGrath, seconded by John H. Groh, the following Ordinance was duly enacted, 3 voting in favor of enactment, 0 voting against enactment.

ORDINANCE 2015-4

An Ordinance of the Township of Millcreek, Erie County, Pennsylvania, authorizing the entry into an inter-governmental agreement with Harborcreek Township and Fairview Township for the purpose of entering into a joint agreement for provision of professional services for plan reviews, inspections, certifications, administration and reporting as Building Code Officials, Construction Code Officials and Inspectors under the Code for the said Townships.

WHEREAS, Millcreek Township, Harborcreek Township and Fairview Township desire to enter into an Intergovernmental Cooperation Agreement, pursuant to The Intergovernmental Cooperation Law, 53 Pa. C.S.A. § 2301 et seq., the Uniform Construction Code, 35 P.S. § 7210.101 et seq., administered under 34 Pa. Code § 403.01 et seq., and the general municipal law, for the provision of professional services for plan reviews, inspections, certifications, administration and reporting under the Uniform Construction Code in all three municipalities by the same contractor; and

WHEREAS, said municipalities, for the purpose of carrying the provisions of the Intergovernmental Cooperation Act into effect, deem it appropriate to enter into such an agreement; and

WHEREAS, said municipalities have determined that the residents of each municipality will be best served by adopting an Ordinance authorizing the execution of a contract with the service provider and including all three municipalities; and

WHEREAS, the municipalities acknowledge that any Intergovernmental Cooperation Agreement must be adopted by ordinance, in conformity with 53 Pa. C.S. Section 2305, part of the Intergovernmental Cooperation Act; and

IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Millcreek Township, Erie County Pennsylvania, pursuant to the provisions of 53 Pa. C.S.A., Chapter 23, and to the provisions of other statutes set forth and the Townships' March 30, 2004 Intergovernmental Agreement, as amended, as follows:

1.01 **Parties and Purposes.** Millcreek Township, together with Harborcreek and Fairview Township, resolves to enter into an Intergovernmental Cooperation Agreement (hereinafter, "ICA" or "Agreement") for the provision of for the provision of UCC-related services as set forth in the Agreement attached hereto as Exhibit A, and incorporated by reference as if fully set forth. The Board of Supervisors of each respective municipality shall be authorized to execute whatever documents are necessary and reasonable to memorialize the understanding of the parties to the Agreement, including the Townships and the professional services provider, and to cooperate in the transition from the current professional services provider to the successful bidder/successor professional services provider identified herein, which is Building Inspection Underwriters of PA, Inc. (hereinafter "BIU").

1.02 Conditions of Agreement. The conditions of the ICA to be entered into between the participating townships and the professional services provider are set forth in the Agreement and there are no other documents, sources or understandings, oral or written, which govern the conduct of the parties to the Agreement.

1.03 Term of Agreement. The Agreement shall be for a term of five years, as set forth in the Agreement.

1.04 Purposes and Objective of Agreement. The purpose and objectives of the Agreement are to carry out all powers and duties as set forth in the Uniform Construction Code, 35 Pa. C.S. Section 7210.101 et seq., 34 Pa. Code Section 403.01 et seq., , as may be amended from time to time.

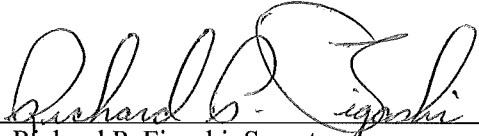
1.05 Related Agreements Authorized. The Board of Supervisors is authorized to enter into inter-governmental agreements with Harborcreek Township, Fairview Township and/or BIU to provide for the appropriate administration and enforcement of the Uniform Construction Code and/or supplement or amend the Agreement adopted by this Ordinance.

1.06 Approval of BIU Agreement. The Agreement between Millcreek Township, Harborcreek Township and Fairview Township and BIU for provision of professional services in the joint and inter-municipal administration and enforcement of the Uniform Construction Code referenced above is approved.

1.07 Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person, property or circumstances is for any reason held invalid or unconstitutional by any court, such holding shall not be construed to affect the validity of any of the remaining provisions of this Ordinance or its application, for such portion shall be deemed as a separate, distinct and independent provision from the remaining provisions which shall be and remain in full force and effect. It is hereby declared the legislative intent that this Ordinance would have been adopted had such valid or unconstitutional provision of its application not been included herein.

1.08 Repealor. All Ordinances or parts of any Ordinances inconsistent herewith are hereby repealed.

BE IT ENACTED this 28th day of April, 2015.


Richard P. Figaski, Secretary