

**BOROUGH OF MILLERSVILLE**

Lancaster County, Pennsylvania

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**ORDINANCE NO. \_\_\_\_\_**

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AN ORDINANCE APPROVING, AND AUTHORIZING THE EXECUTION OF, THE RESTATED AND AMENDED AGREEMENT FOR THE ESTABLISHMENT OF A CENTRAL LANCASTER COUNTY UNIFORM CONSTRUCTION CODE BOARD OF APPEALS PURSUANT TO CHAPTER 5 OF THE PENNSYLVANIA CONSTRUCTION CODE ACT AND THE INTERGOVERNMENTAL COOPERATION ACT.

WHEREAS, Millersville Borough is party to the Restated and Amended Agreement for the Establishment of a Central Lancaster County Uniform Construction Code Board of Appeals dated September 11, 2023 (“2023 Intermunicipal Agreement”); and

WHEREAS, the parties to the 2023 Intermunicipal Agreement include the Townships of Lancaster, Manor, Pequea, West Hempfield, and West Lampeter, and the Boroughs of Columbia, East Petersburg, Millersville, Mountville and Strasburg (collectively, “Participating Municipalities”); and

WHEREAS, the 2023 Intermunicipal Agreement established a Central Lancaster County Uniform Construction Code Board of Appeals (“Board of Appeals”) and set forth terms addressing the administration and funding of the Board of Appeals; and

WHEREAS, the Participating Municipalities desire to amend the 2023 Intermunicipal Agreement to remove limits on the number of terms a Board of Appeals member may serve, to allow municipal managers or other municipal officials of the Participating Municipalities to attend meetings of the Appointments Committee in place of the appointed representative, to revise provisions relating to the selection of legal counsel for the Board of Appeals, and to allow any subsequent amendment to be accomplished by resolution or ordinance.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Borough Council of Millersville Borough, Lancaster County, Pennsylvania, as follows:

Section 1. Background and Summary of Intermunicipal Agreement.

- A. The Legislature of Commonwealth of Pennsylvania has adopted legislation known as the Pennsylvania Construction Code Act, 35 P.S. § 7210.101 *et*

*seq.* (the “Act”) and authorized the Department of Labor and Industry to adopt regulations known as the Uniform Construction Code (“UCC”). The purpose of the UCC is to establish uniform standards for construction of buildings and structures and the administration and enforcement of such standards.

- B. The Act provides that individual municipalities may elect to administer the provisions of the UCC (by adoption of an ordinance) or allow the Department of Labor and Industry to administer the UCC within their municipal boundaries. Municipalities electing to administer the UCC must establish a board of appeals to hear appeals from the decision of the code administrator. The Act allows for the establishment of a joint board of appeals by municipalities electing to administer the UCC pursuant to the terms of the Intergovernmental Cooperation Law, 53 Pa.C.S.A. § 2301, *et seq.*
- C. The Lancaster Inter-Municipal Committee (“LIMC”) created the Appeals Board in or about 2004 to serve as a joint board as authorized by the Act for municipalities desiring to join the Appeals Board.
- D. The Participating Municipalities have previously enacted ordinances under the Intergovernmental Cooperation Law to ratify and confirm the creation and establishment of the Appeals Board and/or join the existing Appeals Board.
- E. The Appeals Board hears appeals from decisions of the individual Participating municipalities’ code administrators and variance requests as provided for by the UCC.
- F. The Participating Municipalities are currently parties to the 2023 Intermunicipal Agreement.
- G. The LIMC has developed a revised version of the 2023 Intermunicipal Agreement entitled: Restated and Amended Agreement for the Establishment of a Central Lancaster County Uniform Construction Code Board of Appeals 2026, which is attached hereto as Exhibit A (the “Agreement”).
- H. The term of the Agreement is indefinite, but is subject to the right of any participating municipality to terminate its participation in this Agreement, at any time subject to the provisions thereof.
- I. The purpose and objective of the Agreement are to implement the provisions

of the UCC with respect to multi-municipality boards of appeals.

- J. The costs of the operation of the Appeals Board shall be shared in accordance with the provisions of the Agreement.
- K. The Agreement provides for the formation of a joint Appeals Board to hear appeals from the decision of each Participating Municipality's code administrator.
- L. It is not anticipated that any real or personal property will be acquired by Appeals Board pursuant to the Agreement.
- M. Although it is not anticipated that the Appeals Board will hire regular employees, the Appeals Board shall be empowered, but not required, to enter into contracts for policies for group insurance and employee benefits, including social security, for its employees, as applicable.

Section 2. The Agreement, a copy of which is appended hereto as Exhibit "A", is hereby approved by Millersville Borough, and the Council President and Secretary shall, on behalf of the Borough, execute the said Agreement as appended hereto as Exhibit "A".

Section 3. The Borough's obligations to enter into the Agreement and its obligations under the Agreement are expressly conditioned upon all other Participating Municipalities, as referenced in the said Agreement, enacting an ordinance authorizing the entry into the Agreement on the same terms and conditions as are applicable to the Borough.

Section 4. This Ordinance shall take effect in accordance with applicable law.

DULY ORDAINED AND ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2026, by the Borough Council of the Borough of Millersville, Lancaster County, Pennsylvania, in lawful session duly assembled.

Borough of Millersville  
Lancaster County, Pennsylvania

Attest: \_\_\_\_\_  
(Assistant) Secretary

By: \_\_\_\_\_  
(Vice) President, Borough Council

[BOROUGH SEAL]