

**ORDINANCE NUMBER 2018-20**

**CALLERY BOROUGH, BUTLER COUNTY, PENNSYLVANIA**

**AN ORDINANCE PROVIDING FOR THE ENTERING INTO INTERGOVERNMENTAL COOPERATION WITH OTHER MUNICIPALITIES TO ESTABLISH AND MAINTAIN THE MUNICIPAL CODE ASSOCIATION.**

**BE IT ORDAINED AND ENACTED**, pursuant to the authority vested by the Borough Code, that Chapter 51, Intermunicipal Agreements, of the Code of the Borough of Callery is hereby amended by the addition of the following:

**CHAPTER 51  
INTERMUNICIPAL AGREEMENTS**

**ARTICLE 1  
MUNICIPAL CODE ASSOCIATION**

**§51-101. Authority and Purpose.** That, pursuant to the provisions of the Intergovernmental Cooperation Law (Act 177, approved December 19, 1996, P.L. 1158, hereinafter "the Act"), the Borough of Callery (hereinafter referred to as the "Municipality") shall and does hereby enter into and adopt this Agreement of Cooperation (hereinafter "Agreement") with such other municipalities as may ordain to do so providing for the establishment and maintenance of a joint local agency, as authorized by 53 Pa.C.S. 57210.501 of the Pennsylvania Construction Code Act (Act No. 45, November 10, 1999, P.L. 491, 35 P.S. §§ 57210.101 *et seq.*) and/or Section 8 of the Sewage Facilities Act, (Act No. 537, January 24, 1966, P.L. 1535), and/or Act No. 167, the Storm Water Management Act, (hereinafter the "Acts"), and local Zoning and/or Property Maintenance Ordinances, to be known as the MUNICIPAL CODE ASSOCIATION (hereinafter the "Association").

**§51-102.** This Agreement shall and does hereby provide, *inter alia*:

A. The delegation and transfer to the MUNICIPAL CODE ASSOCIATION of all functions, powers and/or responsibilities of the Municipality, as provided for by the Acts, as amended or hereafter amended, which shall include, but not be limited to, the following:

(1) Setting fee schedules for joining the Association, processing permit applications, and issuing permits.

(2) Employing certified building code officials (BCO) and/or sewage enforcement officers (SEO), zoning officers (ZO) and such other employees or personnel, as may be necessary, and determining the amount and method of compensation for them.

(3) Applying for and receiving reimbursement from the Pennsylvania Department of Environmental Protection for sewage enforcement, as applicable and if available.

(4) Establishing all necessary provisions and procedures for issuance of permits, collection of fees, enforcement of the Acts and the Rules and Regulations promulgated pursuant thereto, prosecution of violations, hearing appeals from decisions of the BCO, SEO and/or ZO and appearing as a party of the local agency pursuant to the Local Agency Law.

(5) Adopting rules and regulations and procedures not inconsistent with the Acts or the Rules and Regulations promulgated pursuant thereto, which the Association deems necessary and proper to the effective administration of the Acts and to the effective execution of the powers, duties and responsibility granted by the Acts, the Ordinances of participating municipalities and the Agreement of Cooperation.

(6) Exercising all the power and duties delegated to joint municipal agencies by the Acts.

(B) That the purposes and objectives of this Agreement are to create a local agency which equally administers and enforces the provisions of the Acts within each municipality that is part of and included within the jurisdiction of the Association created.

(C) That the manner and extent of financing the activities of the Association shall be determined by the Association which will annually, before preparation of budgets of participating municipalities, specify the amount of funds, if any, that will be needed from each member municipality to finance any costs not covered by fees and reimbursement, which amounts shall be approved by a majority of the member municipalities. The Association shall attempt as nearly as feasible, to limit its expenditures to income received from fees and reimbursements.

(D) That the Association shall adopt Bylaws which shall include, but not be limited to, a governing body composed of one elected official or other designated representative from each participating municipality to be chosen on an annual basis by each participating municipality.

(E) Such Bylaws shall provide for the manner in which property, real or personal, shall be acquired, managed or disposed of, including a provision that upon complete termination of the Association's existence, its remaining assets shall be distributed to the then participating municipalities in a prorated amount based upon the total contributions of each municipality of joining fees and assessments paid pursuant to subsection (C), above.

(F) The Municipality may, upon ninety (90) days written notice, by October 1<sup>st</sup>, to the Association, withdraw from the Association through repeal of this Ordinance.

(G) That the Association shall serve only those municipalities participating therein.

(H) That non-member municipalities may become participating member of the Association by proper ordinance adopting this Agreement of Cooperation.

(I) That this Agreement of Cooperation may be amended or terminated by ordinance of all participating members.

(J) That the Association is empowered to enter into contracts for policies of group insurance and employee benefits, including Social Security, for its employees.

**§51-103. Repealer.** All prior ordinances or parts thereof inconsistent with the provisions of this Ordinance, Agreement of Cooperation, and requirements legally adopted by the Association, are hereby repealed.

**§51-104. Enforcement.** Any and all enforcement rights provided by the Pennsylvania Sewage Facilities Act and/or the Uniform Construction Act and including, but not limited to, all civil and/or criminal penalties, are delegated to the Association by the participating municipalities, provided however, that each municipality shall authorize such enforcement, pay all out of pocket expenses thereof and receive all fines, costs, and penalties resulting therefrom for violations within its borders.

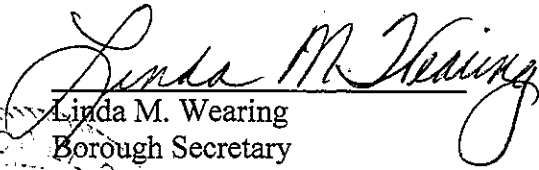
**§51-105. Severability.** Any portion of this Ordinance that may subsequently be determined to be invalid shall not affect the remaining portion hereof, it being the intent of the Municipality to have enacted such remaining portion without regard to the portion declared invalid.

**§51-106. Effective Date.** This Ordinance shall take effect five (5) days after enactment.

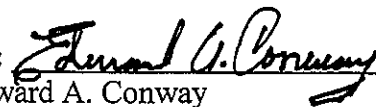
**ENACTED AND ORDAINED**, this the 10<sup>th</sup> day of September 2018, by Callery Borough council in public session duly assembled.

**CALLERY BOROUGH**

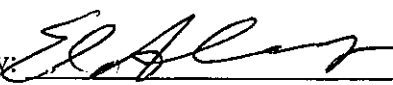
**ATTEST:**

  
Linda M. Wearing  
Borough Secretary

(SEAL)

By:   
Edward A. Conway  
Council President

**APPROVED**

By:   
Ed Ashley  
Mayor

Date: Sept. 10, 2018

