

BOROUGH OF LILLY
CAMBRIA COUNTY, PENNSYLVANIA

ORDINANCE
for
INTERGOVERNMENTAL COOPERATION

AN ORDINANCE AUTHORIZING PARTICIPATION IN PROPERTY MAINTENANCE PROGRAM OF THE CAMBRIA COUNTY BUILDING CODE ENFORCEMENT AGENCY, DELEGATING MUNICIPAL POWERS OF ENFORCEMENT RELATED TO CERTAIN, SPECIFIED, PREVIOUSLY ADOPTED ORDINANCES AND MODIFYING THE PENALTIES FOR THE VIOLATION THOSE ORDINANCES.

THIS ORDINANCE, ESTABLISHING AN AGREEMENT, pursuant to the Pennsylvania Intergovernmental Cooperation Law, 53 Pa. C. S. § 2303, et seq., is hereby approved and entered as of the date of adoption of the Ordinance by the Borough of Lilly, (hereinafter "Municipality") and effective five (5) days thereafter.

WITNESSETH:

WHEREAS, the Borough of Lilly ("Municipality") is a municipality located within Cambria County, Pennsylvania; and

WHEREAS, the Municipality recognizes that the growth and development in Cambria and Somerset Counties in general, and in the geographic limits of the Municipality in particular, have increased the need for municipal services to their residents; and

WHEREAS, the Municipality has previously joined with the Cambria County Building Code Enforcement Agency for local enforcement of the Uniform Construction Code, and has determined that participation has been beneficial and convenient for its residents both in terms of cost and efficiency of administration all of which protect and preserve the health, safety, and welfare of its citizens; and

WHEREAS, the Municipality has determined that it has a need for administration of a property maintenance enforcement program including ordinances previously

adopted by the Municipality, as listed on the attached Exhibit "B" herein, for the protection of the persons and property of its residents and protection of the general public safety; and

WHEREAS, the Municipality recognizes that the employment of separate code officials to perform identical tasks within each Municipality would result in the duplication of effort and duplication of costs to the detriment of the residents of all Municipalities; and

WHEREAS, the Municipality recognizes that the coordination of services would enable each Municipality to minimize the costs of the administration of a property maintenance code enforcement program and related ordinances; and

WHEREAS, the Act of July 12, 1972, P.L. 762, as amended, 53 P.S. §481 et seq., also known as the Intergovernmental Cooperation Act, permits Municipalities to enter into agreements to cooperate in the performance of their respective functions, powers or responsibilities; and

WHEREAS, the Municipality desires to enter into an agreement whereby it will jointly establish and participate in a property maintenance code enforcement program including enforcement of related ordinances as listed on Exhibit "B", to serve Municipalities throughout Cambria and Somerset Counties.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED and an Intergovernmental Cooperation Agreement is approved, in consideration of the various covenants, promises, and conditions hereinafter set forth and for other good and valuable consideration receipt of which is hereby acknowledged, it is hereby authorized and agreed by and between the Borough of Lilly and any and all other Municipalities located within the geographic boundaries of Cambria or Somerset Counties as follows:

1. The Municipality hereby adopts this ordinance authorizing intergovernmental cooperation under the Cambria County Building Codes Enforcement Agencies property maintenance program, as applicable according to its terms to all structures and property within the geographic limits of the Municipality, pursuant to terms of previously adopted ordinances as listed on the attached Exhibit B.

2. The Municipality hereby establishes the Cambria County Building Code Enforcement Agency as the enforcement agency for the Property Maintenance Code, and delegates all such powers as set forth below and as may be reasonable and necessary to carry out the Municipality's obligations and responsibilities under the Property Maintenance Code and all Ordinances and Resolutions implementing the same, including nuisance, solid waste and other ordinances of the Municipality as listed on the attached Exhibit B, (hereinafter collectively referred to as the Property Maintenance Code) within the geographic limits of the Municipality.

3. The Municipality hereby enters the Intergovernmental Cooperation Agreement, as attached hereto as Exhibit "A" and authorizes its officers to execute the same.

4. The Cambria County Building Code Enforcement Agency shall provide all normal and appropriate Enforcement Service within the geographic limits of the Municipality, on the same basis as the services that are provided within the geographic limits of other member municipalities. The Cambria County Building Code Enforcement Agency shall have those powers and abilities as appertain to municipal officers under the laws of the Commonwealth of Pennsylvania, or the Rules of the Supreme Court, or the Ordinances of the Municipality relating to enforcement of the Codes, for which a mandate, fine or penalty is imposed.

5. This Ordinance and the Agreement adopted herewith shall constitute a binding agreement and shall be sufficient warrant and authority for the officials and agents as appointed by the Municipality to cooperate and assist the Agency in carrying out its duties and responsibilities under the Intergovernmental Cooperation Agreement.

6. The Code Enforcement Officers coming under the terms of the Agreement shall be at all times under the immediate supervision, direction and control of the Program Committee of the Cambria County Building Code Enforcement Agency. Questions, comments or complaints concerning the provision of services in Municipality pursuant to this Ordinance and Agreement shall be presented in writing to the Program Committee of the Cambria County Building Code Enforcement Agency. Any comments so received shall be answered in writing within five (5) days of the next regularly

scheduled meeting of the Program Committee of the Cambria County Building Code Enforcement Agency.

7. The Program Committee of the Cambria County Building Code Enforcement Agency shall provide a written report to the governing body of the Municipality, prior to their respective regular monthly meetings, of the services rendered to and in the Municipality for the previous month. Said report shall include an accounting including, but not limited to, the following: Permits issued, inspections made, complaints received, enforcement actions, and any other matters which the Program Committee believes to be appropriate for report.

8. The Cambria County Building Code Enforcement Agency shall retain all fees as otherwise provided for in the Fee Resolution.

9. The term of this Agreement shall commence upon adoption of this Ordinance and extend for a period of one (1) year and continue thereafter on a year-to-year basis unless terminated by action of the governing body of the Municipality as provided for in the Intergovernmental Agreement.

10. The qualified Code Official(s) hired by the Program Committee of the Cambria County Building Code Enforcement Agency is/are hereby authorized to act on behalf of the Municipality in enforcing any and all provisions of the Ordinances and Resolutions of Municipality, as set forth in the Attached Exhibit B.

11. Any person or organization violating any of the ordinances listed hereunder shall be charged by non traffic citation in the same manner as provided for in the Pennsylvania Rules of Criminal Procedure as a summary offense, and upon conviction thereof be sentenced to pay a fine of no less than \$100.00 and no more than \$1,000.00 or be sentenced to no more than 90 days imprisonment or both. This provision is intended to amend and supplant in their entirety, the penalty provisions set forth in the ordinances listed on Exhibit B.

12. This Ordinance is intended to be severable and if any part or portion thereof is ruled invalid or unenforceable, it is the intention of the Municipality that the remaining portions should continue to be of full force and effect.

IN WITNESS OF THE PROPER ADOPTION OF THIS ORDINANCE AND APPROVAL OF THE INTERGOVERNMENTAL COOPERATION AGREEMENT SET FORTH HEREIN, the duly appointed officers of the governing bodies of the respective municipalities have hereunto set forth their hands and seals.

Adopted by the Borough of Lilly as Ordinance No. _____ on the
2nd day of March, ~~2009~~ 2010

BOROUGH OF LILLY

ATTEST:

Claudine M. Falger
Secretary- Claudine M. Falger

By: Richard R. Sweeney
Name: Richard R. Sweeney
Title: President

(Seal)

Approved: Patrick Podrasky
Patrick Podrasky Mayor

EXHIBIT "A"

INTERMUNICIPAL AGREEMENT

THIS AGREEMENT made this 2nd day of March, 2010, by and
between the Borough of Lilly, a municipal corporation organized under the
laws of Pennsylvania with its municipal offices located in the County of
Cambria, Commonwealth of Pennsylvania, and various other local
participating Boroughs and Townships within the Commonwealth, for a purpose.

WITNESSETH:

WHEREAS, the Borough of Lilly and several other participating

communities (the "other Municipalities") are Municipalities located within either the County of Cambria or the County of Somerset, Pennsylvania; and

WHEREAS, the Municipality and the other Municipalities recognize that the growth and development within the two counties in general, and in the Municipality in particular, have increased the need for municipal services to their residents; and

WHEREAS, each Municipality has also recognized that enforcement of a Property Maintenance Program through various Ordinances of the Municipality relating to property maintenance, as listed on the attached Exhibit "B", would be beneficial for its residents and would protect and preserve the health, safety, and welfare of its citizens; and

WHEREAS, the Municipalities have recognized that administration of a Property Maintenance enforcement program would be best undertaken through the employment or contract of a trained professional Code Official(s); and

WHEREAS, the Municipalities recognize that the employment of separate Code Official(s) to perform identical tasks within each Municipality could result in the duplication of effort to the detriment of the residents of the Municipalities; and

WHEREAS, the Municipalities recognize that the coordination of services would enable each Municipality to minimize the costs of the administration of a Property Maintenance enforcement program; and

WHEREAS, the Act of July 12, 1972, P.L. 762, as amended, 53 P.S. §481, et seq., also known as the Intergovernmental Cooperation Act, permits Municipalities to

enter into agreements to cooperate in the performance of their respective functions, powers or responsibilities; and

WHEREAS, the Municipality and the several other participating Municipalities hereby enter into an agreement whereby they will jointly establish a Property Maintenance Enforcement Program to serve the all of the Municipalities.

NOW, THEREFORE, with the foregoing background incorporated herein by reference and made a part hereof, and in consideration of the mutual promises and obligations set forth herein, and intending to be legally bound hereby, the parties agree as follows:

1. Establishment of Joint Property Maintenance Enforcement Program.

The Municipality and the several other participating Municipalities shall jointly establish a program for the enforcement of municipal codes which shall include the enactment of an authorizing Ordinance and the sharing of the services of an Enforcement Officer(s) in accordance with the provisions of this Agreement. Such program shall be known as the "Property Maintenance Enforcement Program" and shall be administered in accordance with the provisions of this Agreement.

2. Establishment of Codes. It is the intention of the Municipality and the several other participating Municipalities that the Property Maintenance Code Enforcement Program shall include only those ordinances specifically listed on the attached Exhibit B. The International Property maintenance Code shall not be included unless specifically listed on Exhibit B, attached hereto. The Municipalities intend that the Property Maintenance Enforcement Program shall be an extension of the previously

approved Building Code Enforcement Program adopted under the Uniform Construction Code, Act 45 of 1999

3. **Establishment of Program Committee.** The Property Maintenance Enforcement Program shall be administered by the previously established Program Committee.

- A. **Membership.** The Program Committee shall be composed of one (1) member of the governing body of each participating Municipality, appointed for a one (1) year term by the governing body at its first meeting in January of each calendar year. The initial members of the Program Committee shall be appointed by the governing bodies within thirty (30) days from the execution of this Agreement. Each governing body may, if it so desires, appoint an alternate member to the Program Committee.
- B. **Meetings.** The Program Committee shall meet at times to be selected by the members of the Program Committee.
- C. **Voting.** All actions by the Program Committee shall be taken by a majority of the members of the Program Committee. In the event that there is a tie vote upon a particular item, any Municipality may request that the issue be mediated.

4. **Responsibility of Municipalities.** The following activities are the individual responsibility of each Municipality:

- A. Enacting an Ordinance that ratifies the Municipality's participation in the Property Maintenance Enforcement Program and the entering of this Agreement in accordance with the requirements of the Intergovernmental Cooperation Act.
- B. Adopting or amending the Municipality's existing fee resolution(s) providing for fees to be imposed for the issuance of permits or assessment of civil penalties for violations of any of the Ordinances listed in the attached Exhibit B.
- C. Provide adequate insurance coverage for all aspects of the Program to include errors and omissions insurance and general liability insurance for actions of the Code Official(s) and the Program Committee.

- D. Eliminate the position of, or modify the responsibilities of, any existing Municipal employee so as to eliminate conflicts and/or overlaps with the responsibilities of Code Official(s).
- E. Provide certified copies of all Ordinances relating to enforcement responsibilities delegated hereunder and provide appropriate Municipal officials as witnesses to testify as to the authenticity of all Municipal ordinances and resolutions relating to Property Maintenance or enforcement of the Ordinances listed in Exhibit B.

5. **Responsibility of Program Committee.** The following activities are the responsibility of the Program Committee:

- A. Recruitment and hiring of the Code Official(s).
- B. Establishment of the salary and benefit package for the Code Official(s).
- C. Evaluation of the performance of the Code Official(s) within the first six (6) months and annually thereafter.
- D. Review of ordinances of each Municipality with suggestions for the enactment of new ordinances to be administered by the Joint Code Enforcement Program.
- E. Resolution of any problems or concerns between the Municipalities and the formulation of policy-oriented decisions.

6. **Property Maintenance Code Official.** A Property Maintenance enforcement program Official(s) shall be hired or retained, as needed, in the sole discretion of the Cambria County Building Code Enforcement Agency, in order to implement the Property Maintenance Enforcement Program.

7. **Program Cost Sharing.** Each Municipality shall participate in their share of the costs of administering the Property Maintenance Enforcement Program according to the fee schedule attached hereto and as may be revised by the Program

Committee from time to time. No activities generating costs to a Municipality shall be initiated without authorization of the Municipality. Any fines or penalties recovered on behalf of a Municipality for a violation of its ordinances shall be the sole property of the Municipality.

- A. Grants. Each Municipality shall take every reasonable step to obtain from federal, state and other agencies such grants and aid as may be from time to time available for code enforcement and for inter-municipal cooperation. If grants may be obtained for the purchase of property to be used, such as a computer, the Program Committee shall coordinate the application and shall determine which Municipality or agency shall take title to any such equipment.

8. **Duration of Agreement.** The term of this Agreement shall be for a period of one (1) year commencing with the date of execution hereof by the Municipality and several other participating Municipalities. This Agreement shall be automatically renewed for an additional term of one (1) years at the conclusion of the initial term and each renewal term thereafter unless, at least ninety (90) days prior to the beginning of the fiscal year, the Municipality which does not desire to renew the Agreement gives written notice of such refusal to renew to the other Cambria County Building Codes Enforcement Agency, in writing.

9. **Participation of Other Municipalities.** Additional Municipalities may become a party to this Agreement upon the consent of the Program Committee at the time such a request is made. A Municipality which desires to become a party to this Agreement shall make application to the Program Committee and shall in writing agree to accept all terms and conditions of this Agreement. Failure to act upon an application to become a party to this Agreement within sixty (60) days of receipt of such application

shall be considered to be a denial of consent to become a party to this Agreement.

10. **Withdrawal from Agreement.** Any Municipality may withdraw from participation at the end of the term of this Agreement or any extension thereof by notifying the Program Committee in writing of the intention to withdraw at least ninety (90) days before the expiration of such term as provided in Section 8 herein. Notwithstanding the foregoing, any Municipality may withdraw from this Agreement for cause by providing the Program Committee with written notification of the cause of such withdrawal. During such notification period, the governing body of any other Municipality shall have the right to challenge the cause for withdrawal. In the event such a challenge is made, the withdrawing Municipality and the challenging Municipality shall mediate their differences within thirty (30) days. If, after meeting with a mediator, such differences cannot be resolved, the withdrawing Municipality shall be permitted to withdraw on the next anniversary date of this Agreement.

11. **Amendment.** This Agreement may be amended only by written instrument signed by all Participating Municipalities.

12. **Interpretation.** This Agreement shall be interpreted in accordance with the laws of the Commonwealth of Pennsylvania.

13. **Severability.** The provisions of this Agreement are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Agreement. It is hereby declared to be the intent of the governing bodies of each

Exhibit "B"

List of Municipal Ordinances for Which Enforcement Is Delegated

BOROUGH OF Lilly
Cambria COUNTY
PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF Lilly, Cambria COUNTY, PENNSYLVANIA, AUTHORIZING INTERGOVERNMENTAL COOPERATION AND PARTICIPATION BY ESTABLISHING MEMBERSHIP WITH OTHER MUNICIPALITIES PURSUANT TO THE REQUIREMENTS OF PENNSYLVANIA CONSOLIDATED STATUTES, TITLE 53, SECTIONS 2301 AND 2315, BEING THE ACT OF DECEMBER 19, 1996, P.L. 1158, NO. 177, COMMONLY KNOWN AS THE INTERGOVERNMENTAL COOPERATION LAW, AS AMENDED, OF THE COMMONWEALTH OF PENNSYLVANIA AS TO ADMINISTRATION AND ENFORCEMENT OF THE UNIFORM CONSTRUCTION CODE

WHEREAS, Pennsylvania Consolidated Statutes, Title 53, Section 2301 thru 2315, being the Act of December 19, 1996, P.L. 1158, No. 177, commonly known as the Intergovernmental Cooperation Law, is the law governing intergovernmental cooperation within the Commonwealth of Pennsylvania; and,

WHEREAS, the Council of Lilly Borough desires to participate and cooperate in the Cambria County Building Code Enforcement Agency relative to administration and enforcement of Act 45 of 1999 Uniform Construction Code (UCC), 35 P.S. 7210.101 et seq. and its Regulations promulgated thereunder, 34 PA Code Chapter 401 et. seq. as may be amended from time to time; and,

WHEREAS, the Council of Lilly Borough recognizes that enforcement of the Uniform Construction Code would be beneficial for its residents and would protect and preserve the health, safety, and welfare of its citizens; and,

WHEREAS, the Council of Lilly Borough recognizes that the coordination of services relative to administration and enforcement of the Uniform Construction Code would enable each Municipal Member of the Cambria County Building Code Enforcement Agency to minimize the costs of administration and enforcement of the Uniform Construction Code; and,

WHEREAS, Pennsylvania Consolidated Statutes, Title 53, Sections 2301 through 2315, being the Act of December 19, 1996, P.L. 1158, No. 177, commonly known as the Intergovernmental Cooperation Law, requires that the aforesaid agency relationship be established by Ordinance of cooperating units of government/municipalities.

NOW, THEREFORE, with the foregoing recitals incorporated herein by reference, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF Lilly, CAMBRIA COUNTY, PENNSYLVANIA, AND IT IS HEREBY ORDAINED AND ENACTED ON BEHALF OF SAID MUNICIPALITY, AS FOLLOWS:

ARTICLE I - PURPOSE

The Council of the Borough of Lilly, Cambria County, Pennsylvania, finds it desirable to enact this Ordinance to:

- A. Protect the health, safety, and welfare of the residents of the ~~██████████~~ Borough
- B. Create a Multi-Municipal Local Agency for the administration of the Uniform Construction Code (Act 45 of 1999 - 35 P.S. 7210.101 et. seq.) and its Regulations promulgated thereunder (34 PA Code Chapters 401 et seq.), as amended or may be amended from time to time.

ARTICLE II -GRANT OF POWER

This Ordinance is adopted pursuant to the powers granted in:

A. Act of December 19, 1996, P.L. 1158, No. 177, commonly known as the Intergovernmental Cooperation Law, governing intergovernmental cooperation agreements within the Commonwealth of Pennsylvania (53 P.S. Sections 2301 et. seq.) as amended or as may be amended from time to time; and,

B. Act 45 of 1999 - the Uniform Construction Code (35 P.S. 7210.101 et. seq.) and its Regulations (34 PA Code Chapters 401 et. seq.) as amended or may be amended from time to time; and,

C. Pennsylvania Local Agency Law (2 Pa.C.S.A. Section 105 et. seq.) as amended or as may be amended from time to time.

ARTICLE III - CREATION OF CAMBRIA COUNTY BUILDING CODE ENFORCEMENT AGENCY

The governing body hereby:

A. Creates, constitutes and establishes the Cambria County Building Code Enforcement Agency for the purposes described above;

B. The Borough shall, within the time period established under the Regulations relative to the Uniform Construction Code i.e. between April 9, 2004, and July 8, 2004, enact an Ordinance to adopt the Uniform Construct Code (Act 45 of 1999);

C. As soon as possible, but not later than thirty (30) days after the adoption of this Ordinance, every Member shall, by action of its Governing Body, appoint a Representative to the Cambria County Building Code Program Committee. Such

Program Committee Member shall be a member of the Governing Body of the Member Municipality;

D. Conveys to the Cambria County Building Code Enforcement Agency, through its officers/Program Committee, employees, servants and agents the authority to act on behalf of the Governing Body relative to the administration and enforcement of all aspects of the Uniform Construction Code and Regulations promulgated thereunder;

E. Directs the Program Committee to, at all times, act in a manner consistent with said Act and Regulations and the additional provisions of this Ordinance.

F. Directs the Program Committee to establish and, further, pledges to pay in a timely manner, initial and annual membership fees, together with prorated or equal share of costs of the salary and benefit package of the Code Official(s) and other employees as to generally acceptable office administration and expenses. Directs the payment of other costs of administering the Uniform Construction Code within the Municipality, including but not limited to the enactment, amendment and updating of ordinances and prosecution costs for violations of ordinances.

G. Authorizes the Program Committee to acquire, manage, license and/or dispose of real and/or personal property for the necessary operation of the Agency.

ARTICLE IV - RESPONSIBILITIES OF PARTICIPATING MUNICIPALITIES

The following activities/actions are the sole responsibility of the Member Municipalities:

- A. Drafting and enacting an ordinance that authorizes and/or ratifies the Municipality's participation in the Cambria County Building Code Enforcement Agency and the entering into Agreement(s) in accordance with the requirements of the Intergovernmental Cooperation Law/Act.
- B. Adopting and amending the Municipality's existing fee resolution providing for identical fees to be imposed for the issuance of building permits and other permits required under the Codes to be enforced as a part of the Cambria County Building Code Enforcement Agency.
- C. Provide adequate insurance coverage for all aspects of the Program to include errors and omissions insurance and general liability insurance for actions of the Code Official(s) and the Program Committee.
- D. In the event a third-party agency or individual is retained for code enforcement services, to obtain verification of liability insurance, errors and omissions insurance and workmen's compensation insurance in such amount(s) as determined by the Program Committee, with proper evidence of certifications of insurance being provided on an annual basis or such other period of time as determined by the Program Committee.
- E. Eliminate the position of, or modify the responsibilities of, any existing Municipal employee so as to eliminate conflicts and/or overlaps with the responsibilities of the Code Official(s).

ARTICLE V - RESPONSIBILITIES OF PROGRAM COMMITTEE

The following activities are the responsibility of the Program Committee:

- A. Prepare and adopt by-laws that:
1. Define the method by which (future) committee representatives will be appointed;
 2. Set forth the method by which the Committee will conduct business;
 3. Establish a quorum for the conduct of business;
 4. Establish meeting times and dates;
 5. Define the manner in which vacancies will be filled;
 6. Create any necessary subcommittees;
 7. Establish fees for the various services to be performed;
 8. Establish a Board of Appeals in accordance with the Act 45 of 1999 and its Regulations;
- B. Prepare and submit an annual budget;
- C. Prepare and submit annual reports to participating municipalities;
- D. Prepare and submit, on behalf of the Member Municipalities, applications for grants-in-aid or as to the securing of other necessary financial assistance and/or loans necessary for the operation of the Agency;
- E. Recruiting and hiring of the Code Official(s) and other employees of the Agency and directing their/its responsibilities and duties.
- F. Establishment of the salary and benefit package for the Code Official(s) and other employees of the Agency;
- G. Evaluation of the performance of the Code Official(s) within the first six (6) months and annually thereafter;

H. Review of ordinances of each Municipality with suggestions for the enactment of new ordinances to be administered by the Cambria County Building Code Enforcement Agency;

I. Resolution of any problems or concerns between Municipalities and the formulation of policy-oriented decisions;

J. Create an employees' manual containing job descriptions, and qualifications for employment;

K. Secure by contract, or other arrangement, legal counsel and the services of other professions, as may be necessary or desirable to advance the work of the Committee.

ARTICLE VI - INTERGOVERNMENTAL COOPERATION AGREEMENT

Each Member Municipality shall enter into an Inter-municipal Agreement in the form as attached hereto as Exhibit "A", and any supplements and/or amendments thereto; or enter into such other Intergovernmental Cooperation Agreement(s) which, from time to time may be approved by and submitted to the Member Municipalities by the Program Committee. Each Member Municipality agrees to abide by and to be legally bound by such Intergovernmental Agreement(s), and any Intergovernmental Agreement(s) entered into as of the date of this Ordinance's adoption and/or amendments/supplements relative thereto. This Ordinance ratifies and amends any Intergovernmental Agreement entered into, to the extent inconsistent herewith, and allows for the adoption (if need be) of a subsequent Intergovernmental Cooperation Agreement.

ARTICLE VII - TERM OF PARTICIPATION, NEW MEMBERS

A. The participation in the Cambria County Building Code Enforcement Agency by the governing body shall begin on the effective date of this Ordinance, and shall continue for a period of one year.

B. After the expiration of the aforesaid one year period, participation shall continue; such participation shall continue on a year to year basis unless ninety (90) days prior to the beginning of the fiscal year, the Municipality notifies the Agency, in writing, of its intent to repeal this Ordinance.

C. Additional municipalities may become a Member of the Agency upon obtaining the consent of the Program Committee and thereafter enacting this Ordinance in its entirety.

D. In the event that it becomes necessary to change this Ordinance in whole or in part, no changes shall become effective and no new or altered obligation or duty shall be placed upon the Program Committee and/or Agency, and no change in the term of this Ordinance shall become effective until such time as every participating municipality shall have adopted an identical amendatory ordinance or duly adopted Resolution.

ARTICLE VIII - SEVERABILITY

If any sentence, clause, section, part or article of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such finding shall not impair, affect or have similar effect upon any of the remaining sentences, clauses, sections, or parts or

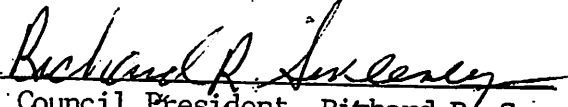
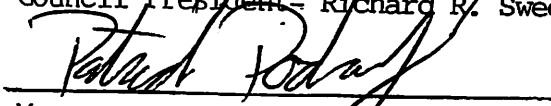
articles. It is hereby declared that the intent of this Governing Body would have been to enact and adopt the remainder of the Ordinance as if the unconstitutional, illegal or invalid portion had not been included in the original enactment.

ARTICLE IX - EFFECTIVE DATE

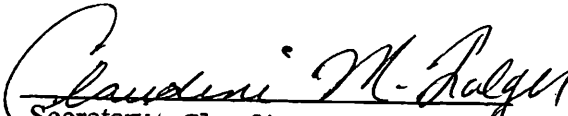
This Ordinance shall take effect immediately from the date of adoption inscribed below.

ADOPTED this 2nd day of March, 2010 by the
Council of the Borough of Lilly, Cambria County, Pennsylvania.

BOROUGH OF Lilly


Council President - Richard R. Sweeney

Mayor - Patrick Podrasky

ATTEST:


Secretary, Claudine M. Falger

SEAL