

Yoe
TOWNSHIP/BOROUGH

RESOLUTION 2025-04

A RESOLUTION MODIFYING THE INTERGOVERNMENTAL COOPERATION AGREEMENT BY AND AMONG THE COUNTY OF YORK, PENNSYLVANIA AND NUMEROUS MUNICIPALITIES LOCATED THEREIN, BY ADJUSTING THE CRITERIA APPLICABLE TO MEMBERS OF THE COUNTY BOARD UNDER YORK COUNTY ORDINANCE 2004-4

WHEREAS, as a response to the Commonwealth of Pennsylvania adopting the Pennsylvania Construction Code Act (the “Act”), the County adopted Ordinance 2004-04 (the “Ordinance”), which created a Countywide Board of Appeals (the “County Board”) and authorized an Intergovernmental Cooperation Agreement (the “Agreement”) to implement the Ordinance;

WHEREAS, defined terms in the Ordinance shall have the same meaning as set forth herein;

WHEREAS, a number of municipalities adopted their own Ordinance implementing the UCC and agreeing to participate with the County in utilization of a County Board of Appeals for matters under the UCC;

WHEREAS, in the Ordinance, in Section 2.D., there was delineated specific requirements for members and alternate members from certain professions or disciplines;

WHEREAS, a decision has been made to adjust the criteria, so that it is specifically in accordance with 34 Pa. Code Section 403.121(c)(1), such that a member or alternate member of the County Board shall be qualified by training and experience to pass on matters pertaining to building construction. Training and experience may consist of licensure as an architect or engineer, experience in the construction industry, and training and experience as an inspector or plan reviewer;

WHEREAS, the County has adjusted the requirements for Board members and authorized remote meetings, by County Ordinance 2024-03;

WHEREAS, the Agreement allows for modification, by Resolution, pursuant to Section 10 thereof;

NOW THEREFORE, the undersigned municipality hereby resolves that the Agreement shall remain in full force and effect but the County Board may have members qualified by training and experience to pass on matters pertaining to building construction, where training and experience may consist of licensure as an architect or engineer, experience in the construction industry, and training and experience as an inspector or plan reviewer. And further, that the County Board may meet remotely, in accordance with applicable law, including the Sunshine Act. An Amendment in accordance with this Resolution is attached hereto and the officers of the municipalities are hereby authorized to execute it.

Enacted into a Resolution this 4th day of March 2025.

WITNESS/ATTEST:

MUNICIPALITY

Diana Dvorak

By: Sam C Snyder

Diana Dvorak Secretary -
Print Name/Title Treasurer

Samuel C Snyder,
Print Name/Title President of Council

**TOWNSHIP/BOROUGH
FIRST AMENDMENT TO THE
INTERGOVERNMENTAL COOPERATION AGREEMENT
CREATING A COUNTY BOARD OF APPEALS**

THIS AMENDMENT is made the 4th day of March, 2025, by and among the County of York, Pennsylvania (the "County") and the municipality executing this Amendment, which executed the Intergovernmental Cooperation Agreement Creating a County Board of Appeals (the "Agreement"). The County and each Participant shall individually be referred to as a "Party" and shall collectively be referred to as the "Parties".

INTENDING TO BE LEGALLY BOUND, the parties agree as follows:

1. **Board Membership.** The requirements for members of the County Board are hereby adjusted pursuant to the provisions of County Ordinance 2024-3. Specifically, a member or alternative member of the County Board shall be qualified by training and experience to pass on matters pertaining to building construction. Training and experience may consist of licensure as an architect or engineer, experience in the construction industry and training and experience as an inspector or plan reviewer.
2. **Meetings.** The County Board may meet remotely, in accordance with applicable law.
3. **Full Force and Effect.** Except as set forth herein, all provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to the Intergovernmental Cooperation Agreement Creating a County Board of Appeals to be executed on 4th March, 2025.

WITNESS/ATTEST:

Yoe **TOWNSHIP/BOROUGH**
YORK COUNTY, PENNSYLVANIA

Diana Dvorak
Diana Dvorak Secretary -
Print Name/Title Treasurer

By: Samuel C Snyder
Samuel C Snyder
Print Name/Title President of Council

WITNESS/ATTEST:

COUNTY OF YORK, PENNSYLVANIA

By: _____

Print Name/Title

Print Name/Title

**BOARD OF COMMISSIONERS
COUNTY OF YORK
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE 2024-03

**AN ORDINANCE AMENDING CHAPTER 14 OF THE YORK COUNTY CODE,
CREATING A COUNTY-WIDE BOARD OF APPEALS AND AUTHORIZING
INTERGOVERNMENTAL COOPERATION AGREEMENT TO IMPLEMENT THE
PROVISIONS OF THE UNIFORM CONSTRUCTION CODE**

WHEREAS, the County of York adopted Ordinance 2004-04 creating the York County Uniform Construction Code Board of Appeals (hereinafter the "UCC Board of Appeals") and authorizing an Intergovernmental Cooperation Agreement to implement the Ordinance in accordance with the Pennsylvania Construction Code, as amended, and the Pennsylvania Department of Labor and Industry regulations in 34 PA. Code Chapters 401-405, as amended (collectively the "UCC"); and

WHEREAS, a number of municipalities adopted their own Ordinance implementing the UCC, and agreeing to participate with the UCC Board of Appeals for matters related to the UCC; and

WHEREAS, the UCC Board of Appeals has requested that the County of York amend Chapter 14-2 of the York County Code to remove conditions related to the training and experience of members of the UCC Board of Appeals, which are not required under 34 PA. Code Chapters 401-405, as amended; to modify the number of alternate members required by the County of York; and to amend the meeting and hearing requirements as established by 65 P.S. §§ 701-716, known as the Pennsylvania Sunshine Act; and

WHEREAS, the York County Commissioners have agreed to amend Chapter 14 of the York County Code to provide for the requested amendments.

NOW THEREFORE, with the above matters incorporated by reference herein, it is **HEREBY ORDAINED AND ENACTED**, that the following Ordinance, codified in Chapter 14, Board of Appeals, be amended as follows:

Section 1. General

The York County Code, Chapter 14-2, shall be rescinded and replaced as follows:

§ 14.1 Incorporation of Recitations.

The foregoing recitations shall be incorporated by reference into the Code.

§ 14.2 Appointments; Members; Terms; Meetings.

The County shall appoint a County Board of Appeals of five members (hereafter referred to as "County Board"), meeting the following requirements:

- A. The County Board shall consist of five (5) members. Each new member of the County Board shall serve for five (5) years or until a successor has been appointed.
- B. The County shall appoint three (3) to five (5) alternate members. Each alternate members shall be appointed for a five (5) year membership or until a successor has been appointed.
- C. A member or alternate member shall serve at the pleasure of the County Board of Commissioners.
- D. In accordance with 34 Pa. Code Section 403.121(c)(1), a member or alternate member for the County Board shall be qualified by training and experience to pass on matters pertaining to building construction. Training and experience may consist of licensure as an architect or engineer, experience in the construction industry, and training and experience as an inspector or plan reviewer.
- E. Members of the County Board of Commissioners, or members of a participating municipality's governing body or its code administrators, may not serve on the County Board.
- F. The Building Code Official (hereafter referred to as "BCO") of a participating municipality may be an ex officio member of the County Board for any appeal from the participating municipality, but shall have no vote on any matter before the County Board.
- G. The County may fill a position on the County Board with a qualified person who resides outside of the County when it cannot find a person within the County who satisfies the requirements of this section.
- H. A County Board member or alternate member may not cast a vote or participate in any appeal, request for hearing, variance or extension of time in which the member has a personal, professional or financial interest.
- I. The County Board shall schedule meetings and hearings and provide public notice of all meetings in accordance with the Pennsylvania Sunshine Act, 65 P.S. §§ 701-716.
- J. The County Board may schedule a meeting to be held remotely in place of a physical location. Instructions on how to access the meetings shall be published with the schedule for all other meetings.
- K. The County Board may schedule and conduct a hearing by remote means unless the applicant requests in writing that the hearing take place at a physical location. Such request must be made with the Application.

Section 2. Repealer.

This Ordinance shall supersede and repeal the York County Code, Chapter 14-2. The remainder of Chapter 14 of the York County Code shall remain in full force and effect.

Section 3. Effective Date.

This Ordinance shall become effective immediately upon passage.

Section 4. Severability Clause.

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair the remaining provisions, sentences, clauses, section or parts of this Ordinance. It is hereby declared to be the intent of the York County Board of Commissioners that this Ordinance would have been adopted and would be enforceable had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included.

Duly enacted and ordained this 20th day of November 2024, by the Board of Commissioners of York County, Pennsylvania in lawful session duly assembled.

ATTEST:



Greg Monskie, Chief Clerk

COUNTY OF YORK



Julie Wheeler
President Commissioner



J. Scott Burford
Vice President Commissioner



Doug Hoke
Commissioner

The above Ordinance was ordained, enacted, and adopted this 20th day of November 2024, at a regular meeting of the Board of Commissioners of the County of York duly advertised and assembled upon motion of Commissioner Burford and seconded by Commissioner Hoke and passed with a vote of 3 yes and 0 no.