

**JOINT ARTICLES OF AGREEMENT
OF THE
CENTRE REGION CODE ADMINISTRATION AGENCY
2004**

This AGREEMENT is made this 27th day of September, 2004, by and among the Townships of College, Ferguson, Halfmoon, Harris and Patton and the Borough of State College, (hereinafter jointly called the participating municipalities), County of Centre, Commonwealth of Pennsylvania, repealing and superseding the Joint Municipal Agreement of Enforcement of Uniform Codes date May 1, 1968; the Joint Articles of Agreement Regional Enforcement of Uniform Codes, dated April 16, 1973; and Joint Articles of Agreement of the Centre Region Code Administration Agency, dated August 27, 1990.

BACKGROUND OF THIS AGREEMENT

On May 1, 1968, the Townships of College, Ferguson, and Patton and the Borough of State College joined together in a Joint Municipal Agreement for Enforcement of Uniform Codes. The purpose of this agreement was to provide for the adoption of nationally recognized codes and to provide a basic code inspection service for the community.

On December 2, 1969, and renewed on October 23, 1989, the Townships of College, Ferguson, Patton, Harris, Halfmoon, and the Borough of State College joined together in a voluntary organization known as the Centre Region Council of Governments (hereinafter called Centre Region COG), through the adoption of COG Articles of Agreement. A major purpose of the Centre Region COG has been to facilitate cooperative efforts to provide community facilities and services.

On May 1, 1973, the Townships of College, Ferguson, Patton and the Borough of State College adopted by local ordinance separate Joint Articles of Agreement for Regional Enforcement of Uniform Codes, thus making the Centre Region Code Administration a regional agency of Centre Region COG charged with providing a building and property maintenance code inspection service program. On December 11, 1989, the Harris Township Board of Supervisors voted to join the Code Administration program.

The 1973 code agreement provided for the: the adoption of nationally recognized codes; creation of a Code Enforcement Committee with responsibility to adopt uniform rules and regulations; employment of enforcement personnel; establishment of a standard permit fee structure; creation of a local appeals board; and provision for the ownership of equipment.

Since the adoption of the 1973 code agreement and by mutual consent of the participating municipalities in the code program, the administration of the code program was made

independent from the Manager of the Borough of State College and a regional appeals board was established as a replacement to the individual municipal board of appeals.

On August 27, 1990, the Townships of College, Ferguson and Patton and the Borough of State College adopted revised Articles of Agreement that admitted Harris Township into the program; explicitly permitted a Code Services Agreement with The Pennsylvania State University; provided consistency with the new COG Articles of Agreement; and removed conflicts with current operating procedures.

During the February 23, 2004 meeting of the General Forum of the Centre Region Council of Governments, the participating municipalities requested that the 1990 Joint Articles of Agreement be amended to: admit Halfmoon Township as a member of the Centre Region Code Administration Agency; and, incorporate into the agreement the provisions of the Uniform Construction Code (Act 45 of 1999) of the Commonwealth of Pennsylvania. The participating municipalities desire to fulfill the obligations of the Uniform Construction Code and the related administrative provisions through Centre Region Code Administration.

PROVISIONS OF THIS AGREEMENT

The provisions are intended to implement rules for agency operation for a specific Centre Region COG program. Unless specifically referenced and accepted, the provisions of this agreement shall be governed and interpreted on the basis of the prevailing COG Articles of Agreement establishing the Centre Region Council of Governments and as may be amended.

Based on the foregoing and within this agreement provisions of the Intergovernmental Cooperation Law (53 PA C.S. §§2301-2315) as amended, the municipalities agree and intend to be legally bound through the adoption of nationally recognized uniform codes and the following:

SECTION 1. ESTABLISHMENT OF AGENCY

- 1.1 The participating municipalities of the Centre Region Council of Governments do hereby create and establish the "Centre Region Code Administration Agency," hereinafter referred to as the "Agency."

SECTION 2. PURPOSE

- 2.1 The Agency is established to promote and insure the health, safety, and general welfare of the Centre Region through effective administration of uniform code standards under the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S.

§§ 7210.101-7210.1103, and the Rules and Regulations contained in Title 34 PA Code, Chapters 401 to 405, adopted by the Pennsylvania Department of Labor and Industry.

SECTION 3. AGENCY DUTIES AND RESPONSIBILITIES

- 3.1 The Agency shall administer a codes inspection program as a service to participating municipalities.
- 3.2 The Agency shall administer those codes and amendments as specifically requested by participating municipalities.
- 3.3 The Agency Director shall be the administrator of the code program and shall exercise the duties and responsibilities that are granted by the adopted codes and the COG Executive Director.
- 3.4 The Agency shall apply codes in a uniform manner among participating municipalities, subject to municipal requests under Section 3.2.
- 3.5 The Agency shall develop a procedure for the review of new codes and amendments.
- 3.6 The Agency shall provide technical assistance on codes and amendments to participating municipalities.
- 3.7 The Agency shall issue code permits and certificates of use and occupancy as required by the codes.
- 3.8 The Agency shall maintain property files, inspections reports, and other code related records.
- 3.9 The Agency shall provide monthly inspection and permit activity reports to participating municipalities.
- 3.10 The Agency shall assist the Centre Region Building and Housing Code Board of Appeals according to the Joint Articles of Agreement for the Establishment of a Building and Housing Code Board of Appeals, on administration and appeal procedures.
- 3.11 The Agency shall comply with all applicable provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101-7210.1103; and the Rules and Regulations contained

in Title 34 PA Code, Chapters 401 to 405, adopted by the Pennsylvania Department of Labor and Industry.

SECTION 4. FINANCES

This section, to the extent stated, supersedes the current COG Articles of Agreement, dated August 27, 1990.

- 4.1 Finances shall generally be governed by the COG Articles of Agreement, dated October 23, 1989, as amended.
- 4.2 The municipalities agree to follow the fee structure contained in the budget for the Agency as adopted by the COG General Forum.
- 4.3 Any required municipal contribution shall be as established by the COG General Forum.

SECTION 5. PROGRAM PARTICIPATION

It is the intention of the member municipalities that the Agency shall be the principal and preferably exclusive code administration agency in the Centre Region. Participants may, however, elect not to enforce certain sections of the codes. Any action not to enforce a specific code previously used in a municipality shall be governed by the withdrawal provisions of the COG Articles of Agreement.

SECTION 6. DISPOSITION OF PROPERTY

This section, to the extent stated, supersedes the current COG Articles of Agreement, dated October 23, 1989, as amended.

- 6.1 Agency equipment including but not limited to vehicles shall be purchased, owned, transferred, sold and disposed of according to the COG Articles of Agreement. All Agency motor vehicles shall be titled to the Centre Region COG.
- 6.2 Participating code municipalities shall share in the disposition of Code Administration property upon termination of the program provided the participating code municipality has been a member of the program for a minimum of five years.
- 6.3 The procedure for the disposition of the property shall be accomplished according to the COG Articles of Agreement.

Proceeds from any sales shall be distributed to participating code municipalities in accordance with:

- 6.3.1 total contributions by a municipality to the Agency within the last five years of the code program;
 - 6.3.2 if there are no municipal contributions, the percentages of total permit fees issued for each participating municipality during the last five years.
- 6.4 The disposition of licensed software programs shall be determined by action of the COG General Forum according to licensure agreement of the vendor.

SECTION 7. DISPOSITION OF RECORDS

- 7.1 Upon any municipal withdrawal from the code program, the Agency shall afford that participating municipality the opportunity to have copies of that municipality's property records reproduced at no cost.
- 7.2 In the event the Agency's total program is terminated, all original property records relative to a participating municipality shall be provided to that municipality at no cost.

SECTION 8. CODE ADMINISTRATION COMMITTEE

- 8.1 The Code Administration Committee as established by the Centre Region COG General Forum shall be governed by the COG Articles of Agreement relating to membership, meetings, representatives, rules of order, quorum, and responsibilities.
- 8.2 Representatives to the Committee shall serve without salary or other compensation except reimbursement for expenses incurred with prior approval of Centre Region COG in the performance of their duties.

SECTION 9. AMENDMENT OF PROCEDURES

- 9.1 Amendments to these Joint Articles of Agreement may be recommended by the Committee, by the Centre Region COG General Forum, or by the participating municipalities. Any amendment or change to these articles shall be approved by the Centre Region COG General Forum according to the Centre Region COG Articles of Agreement, the participating

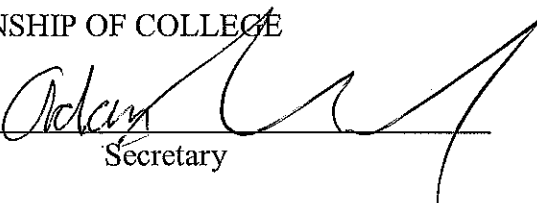
municipalities, and shall take effect upon passage of appropriate municipal ordinances.

SECTION 10. EFFECTIVE DATE

10.1 The effective date of this agreement shall be upon enactment by ordinance of this agreement by all the participating municipalities.

TOWNSHIP OF COLLEGE

Attest:

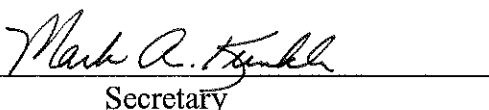

Secretary

By:



Chair, Township Council

TOWNSHIP OF FERGUSON

Attest:



Secretary

By:



Chair, Board of Supervisors

TOWNSHIP OF HALFMOON

Attest:

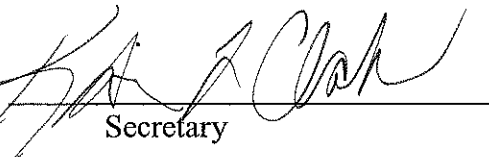

Secretary

By:



Chair, Board of Supervisors

TOWNSHIP OF HARRIS

Attest:

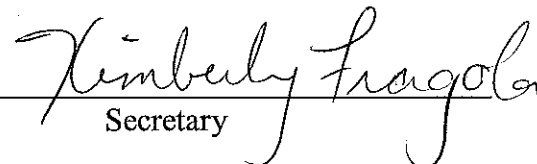

Secretary

By:


Chair, Board of Supervisors

TOWNSHIP OF PATTON

Attest:

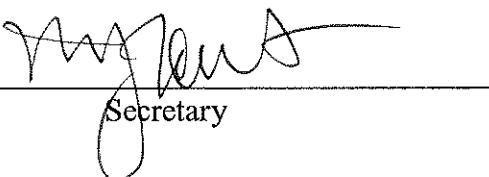

Secretary

By:

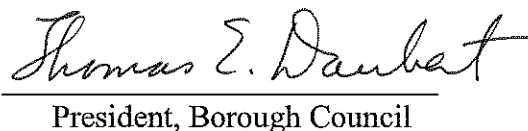

Chair, Board of Supervisors

BOROUGH OF STATE COLLEGE

Attest:


Secretary

By:


President, Borough Council

APPROVED BY MUNICIPALITIES AS FOLLOWS:

<u>Municipality</u>	<u>Date</u>	<u>Ordinance Number</u>
Township of College	<u>5-20-2004</u>	<u>0-04-07</u>
Township of Ferguson	<u>6-21-2004</u>	<u>833</u>
Township of Halfmoon	<u>2-26-2004</u>	<u>2004-04</u>
Township of Harris	<u>5-10-2004</u>	<u>245</u>
Township of Patton	<u>4-28-2004</u>	<u>2004-428</u>
Borough of State College	<u>8-2-2004</u>	<u>1792</u>