

**HAMILTONBAN TOWNSHIP,
ADAMS COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2019-11

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
HAMILTONBAN TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA
EXPRESSING OPPOSITION TO PENNSYLVANIA HOUSE BILL 349 OF
2019 REQUIRING MUNICIPALITIES ENFORCING THE
PENNSYLVANIA UNIFORM CONSTRUCTION CODE THROUGH
UTILIZATION OF THIRD PARTY AGENCIES TO RETAIN TWO THIRD
PARTY AGENCIES TO ACT ON BEHALF OF THE MUNICIPALITY**

WHEREAS, Hamiltonban Township is a second class Township located in Adams County, Pennsylvania;

WHEREAS, Hamiltonban Township elected to become an opt-in municipality pursuant to section 7210.501(a.1)(2) of Pennsylvania Construction Code Act (35 P.S. §§7210.101 et. seq. (as amended July 2004 and enforce the Pennsylvania Uniform Construction Code Act ("UCC") either via a municipal employee or retention of a third party agency; and

WHEREAS, Hamiltonban Township has elected to enforce the UCC through retention of a third party agency; and

WHEREAS, Hamiltonban Township has continued to enforce the UCC through retention of a third party agency; and

WHEREAS Hamiltonban Township has received no complaints regarding its utilization of a single third party agency to enforce the UCC in its jurisdiction; and

WHEREAS, House Bill 349 provides that a municipality shall retain two (2) third party agencies to enforce the UCC in its municipality; and

WHEREAS, House Bill 349 further provides the requirements for a municipality to retain and contract with two (2) third party agencies to administer and enforce the UCC; and

WHEREAS, House Bill 349 removes all meaningful authority from local governments as to administration and enforcement of the UCC; and

WHEREAS, House Bill 349 requires a municipality to contract with third party agencies removing the authority of a municipality to annually appoint its code enforcement officials; and

WHEREAS, House Bill 349 requires a municipality to consider the input of affected stakeholders in selecting a third party agency thereby removing authority from the elected governing body of the municipality to govern the municipality in accordance with the authority granted it by applicable Township / Borough Code; and

WHEREAS, House Bill 349 further requires a municipality to consider the fee schedule and availability of a third party agency to perform tasks under the UCC placing the cost and accessibility of a third party agency over the qualifications and experience consideration of a municipality in selecting a code enforcement official; and

WHEREAS, Hamiltonban Township is concerned with the creation of liability if a contractor is permitted to select a code official to conduct an inspection that may not strictly enforce the UCC; and

WHEREAS, with the exception of accessibility there is no overview by the Commonwealth of the performance of the duties of code enforcement officials; and

WHEREAS, UCC as it currently exists allows Hamiltonban Township select more than one code enforcement official if it so desires; and

WHEREAS, pursuant to the Second Class Township Code of the Commonwealth of Pennsylvania, if Hamiltonban Township is unsatisfied or receives complaints regarding the performance of the duties of a code enforcement official, the Hamiltonban Township may terminate and appoint a new code enforcement official; and

WHEREAS, notwithstanding the provision in House Bill 349 that one of the two third party agencies shall be designated as the municipality enforcement agency Hamiltonban Township believes that utilization of two third party agencies in a municipality will create conflict regarding administration and enforcement; and

WHEREAS, the provision in House Bill 349 that a third party agency shall be designated as the enforcement agency will create additional costs and expense on a municipality as both agencies will be required to participate in any enforcement action in which the non designated enforcement agency is involved; and

WHEREAS, for the foregoing reasons Hamiltonban Township opposes House Bill 349.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Hamiltonban Township, Adams County, Pennsylvania, that the Board of Supervisors opposes House Bill 349. House Bill 349 removes from local governments the ability to meaningfully administer and enforce the UCC in a manner that protects the health, safety and welfare of their residents.

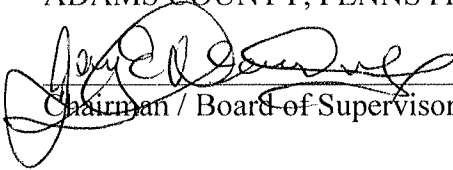
FURTHER RESOLVED, by the Board of Supervisors of Hamiltonban Township, Adams County, Pennsylvania, that they respectfully request the members of the Commonwealth of Pennsylvania House of Representatives Labor and Industry Committee vote in opposition to House Bill 349.

FURTHER RESOLVED, that a copy of this Resolution shall be sent to members of the Commonwealth of Pennsylvania House of Representatives Labor and Industry Committee.

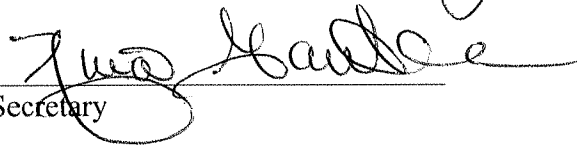
FURTHER RESOLVED, that this Resolution shall become effective immediately.

IN WITNESS WHEREOF, the Board of Supervisors of Hamiltonban Township, Adams County, Pennsylvania, has caused this Resolution to be adopted this 7th day of May, 2019.

BOARD OF SUPERVISORS
OF HAMILTONBAN TOWNSHIP,
ADAMS COUNTY, PENNSYLVANIA



Chairman / Board of Supervisors

Attest: 

Secretary

CERTIFICATE

I hereby certify that the foregoing is a true and accurate copy of a resolution of the Board of Supervisors of Hamiltonban Township, of Adams County, Pennsylvania, which was fully adopted at a public meeting held pursuant to notice as required by law on the 7th day of May, 2019.


Secretary of Hamiltonban Township /

Dated: May 7, 2019