

**AMITY TOWNSHIP
BERKS COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2019- 08

A RESOLUTION OF THE BOARD OF SUPERVISORS OF AMITY TOWNSHIP, BERKS 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 (2) THIRD-PARTY AGENCIES TO ACT ON BEHALF OF THE MUNICIPALITY

WHEREAS, Amity Township is a Second-Class Township located in Berks County, Pennsylvania;

WHEREAS, Amity Township elected to become an opt-in municipality pursuant to Chapter 6, Section 101 of the Code of Ordinances of the Township and enforce the Pennsylvania Uniform Construction Code Act ("UCC") either via a municipal employee or retention of a third-party agency; and

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

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

WHEREAS, Amity 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, Amity 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 Amity Township to 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 Amity Township is unsatisfied or receives complaints regarding the performance of the duties of a code enforcement official, the Township may terminate and appoint a new code enforcement official; and

WHEREAS, notwithstanding the provision in House Bill 349 that one of the two 3rd party agencies shall be designated as the municipality enforcement agency, Amity 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 3rd 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 Amity Township opposes House Bill 349.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Amity Township, Berks County, Pennsylvania, that the Board of Supervisors / Commissioners / Borough Council 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.

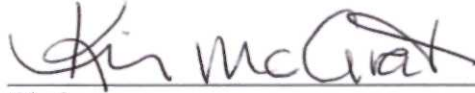
FURTHER RESOLVED, by the Board of Supervisors Amity Township, Berks County, Pennsylvania that they respectfully request the members of the Commonwealth of Pennsylvania House of Representatives Labor and Industry Committee vote in opposition to House Bill 349.

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 Amity Township, Berks County, Pennsylvania has caused this Resolution to be adopted this 15th day of May 2019.

BOARD OF SUPERVISORS
OF AMITY TOWNSHIP



Chairperson

Attest: 
Secretary

CERTIFICATE

I hereby certify that the foregoing is a true and accurate copy of a resolution of the Board of Supervisors / ~~Commissioners~~ of Amity Township, / ~~Council of the~~ Borough Berks County, Pennsylvania, which was fully adopted at a public meeting held pursuant to notice as required by law on the 15th day of May, 2019.

Pamela J. Kisil
Secretary of Amity Township /
Borough

Dated: May 15, 2019