

EAST GOSHEN TOWNSHIP

CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 129-H-2015

**AN ORDINANCE OF THE TOWNSHIP OF EAST GOSHEN,
CHESTER COUNTY, PENNSYLVANIA, REPEALING
ORDINANCE NO. 129-E-2012 AND REINSTATING THE
WEST CHESTER AREA COUNCIL OF GOVERNMENTS
BOARD OF APPEALS.**

WHEREAS, on May 4, 2004, in Ordinance No. 129-E-04, the Township elected to administer and enforce the Pennsylvania Construction Code, Act 45 of 1999 (the "Act") and the regulations promulgated thereto as the same are amended from time to time, as the Township's Building Code; and

WHEREAS, on March 4, 2003, the Township enacted Ordinance No. 129-3-03 whereby the Township elected to enter an intergovernmental agreement with five other municipalities in Chester County to form a council of governments known as the West Chester Area Council of Governments ("WCACOG"); and

WHEREAS, one of the stated purposes of the WCACOG was to establish a regional board of appeals to hear and render decisions on appeals filed in the respective member's municipality pursuant to the Building Code; and

WHEREAS, the WCACOG formed the West Chester Area Council of Governments Appeals Board of the Pennsylvania Uniform Construction Code (the "WCACOG Board of Appeals"); and

WHEREAS, on April 20, 2012, the Commonwealth Court of Pennsylvania decided in *Middletown Township v. County of Delaware Uniform Construction Code Board of Appeals*, No. 1094 C.D. 2011, that a municipality may not designate a regional Construction Code board of appeals to preside over appeals unless the municipality also delegated to the regional board of appeals the authority to administrate and enforce the Act and the municipal building codes; and

WHEREAS, on August 7, 2012, the Board of Supervisors adopted Ordinance No. 129-E-2012 whereby it created the East Goshen Township Board of Appeals in place of the WCACOG Board of Appeal to hear and decide appeals of orders, decisions, and determinations made by the Building Official related to the application and interpretation of the Building Code and all other codes adopted by the Township as part of the Act; and

WHEREAS, on August 7, 2012, the Board also adopted Resolution No. 2012-66 wherein it appointed individuals to serve on the East Goshen Township Board of Appeals; and

WHEREAS, the Pennsylvania General Assembly enacted Act No. 179 on October 24, 2012 which amended Section 501(c)(1) of the Act to allow municipalities to enter intergovernmental agreements for the joint administration and enforcement of the Act and to allow municipalities to designate a joint Board of Appeals in accordance with the Intergovernmental Cooperation Law; and

WHEREAS, pursuant to the authority in Act 179 of 2012, the Board of Supervisors elects to re-designate the WCACOG Board of Appeals as the Board of Appeals for East Goshen Township; and

WHEREAS, the Board of Supervisors desires to repeal Ordinance No.129-E-2012 and Resolution No. 2012-66.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of East Goshen Township as follows:

SECTION 1. Ordinance No. 129-E-2012 enacted by the Board of Supervisors on August 7, 2012 shall be repealed.

SECTION 2. Resolution No. 2012-66 enacted by the Board of Supervisors on August 7, 2012 shall be repealed.

SECTION 3. The Township designates the WCACOG Board of Appeals as the Board of Appeals for East Goshen Township who shall hear appeals from decisions of the East Goshen Township Building Code Official which are filed pursuant to the Act and the Township's Building Codes.

SECTION 4. Any reference in the East Goshen Township Code to the Board of Appeals shall refer to the WCACOG Board of Appeals.

SECTION 5. Severability. The provisions of this Ordinance are severable, and if any article, section, subsection, clause, sentence or part thereof shall be held or declared illegal, invalid or unconstitutional by any court of competent jurisdiction, the decision shall not affect or impair any of the remaining articles, sections, subsections, clauses, sentences or parts thereof of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid or unconstitutional article, section, subsection, clause, sentence or part thereof had not been included herein.

SECTION 6. Repealer. Ordinance No. 129-E-2012 and any other ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 7. Effective Date. This Ordinance shall become effective in five (5) days from the date of adoption.

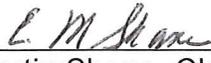
ENACTED AND ORDAINED this 11th day of AUGUST, 2015.

ATTEST:

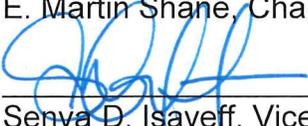


Louis F. Smith, Secretary

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS**



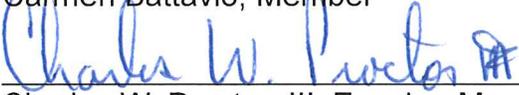
E. Martin Shane, Chairman



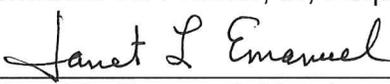
Senya D. Isayeff, Vice-Chairman



Carmen Battavio, Member



Charles W. Proctor, III, Esquire, Member



Janet L. Emanuel, Member